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[Document A.]

BY THE HOUSE OF DELEGATES,
JANUARY 20, 1870.

Read and ordered to be printed.

By order,
MILTON Y. KIDD,
Chief Clerk.

MESSAGE

OF

GOV. ODEN BOWIE

TO THE

GENERAL ASSEMBLY

OF

MARYLAND,

AT ITS

REGULAR SESSION, JANUARY, 1870.

ANNAPOLIS:
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MESSAGE.

Gentlemen of the General Assembly of Maryland:

I welcome you upon your assemblage in the Capitol of the State, and trust that your sojourn may be agreeable to yourselves, and your deliberations enure to the benefit of your constituents.

Within the two years that have elapsed since the meeting of the last Legislature much business has accumulated requiring your careful and prompt attention. It is too much the habit of legislative bodies to delay until the closing hours of their session the consideration of the most important matters, and I would urge upon your committees that they mature as soon as possible all business requiring your action.

These two years have been blessed by Divine Providence to our people with health, peace, contentment and average prosperity. None of the political acerbities which have distracted many of our sister States, have disturbed us. Our harvests have been generally good, our mechanics and laboring men constantly employed, our mining and manufacturing interests greatly enlarged and successfully operated, our magnificent works of internal improvements more than prosperous, and all

mercantile business reasonably remunerative. Grateful to the Supreme Ruler of the Universe for these blessings, it should be, as I doubt not it will, your aim to improve them to the State and people by wise and thoughtful legislation, resulting from a full knowledge of their wants, from a proper sense of responsibility, from high and pure motives, and a wise and careful economy, to the end that our taxes may be reduced, all burthens upon the producing and laboring classes carefully alleviated, and the benefits of a good government result to the people of the State generally.

FINANCES OF THE STATE.

The Comptroller's Report shows that the total receipts into the Treasury for the fiscal year ending 30th September last, were $3,002,090.58, which added to the balance in the Treasury 30th September, 1868, $482,-551.01, makes the total aggregate for the fiscal year $3,484,641.59.

The total disbursements of the same year, were $3,039,301.18, leaving a remainder in the Treasury, September 30th, 1869, of $445,340.41.

The aggregate debts of the State for which interest has to be provided, were, on the 30th September, 1869, $12,692,938.96.

As an offset to this debt, and to liquidate which, if it is deemed advisable to dispose of any part of them, the State holds bonds and stocks on which the interest and dividends are promptly paid, to the amount of $7,-228,413.13, leaving a balance of debt due by the State $5,464,525.74, against which, however, she holds present unproductive stocks and bonds in the different works of Internal Improvements, amounting (including an insignificant sum of Bank, Bridge and Penitentiary indebtedness) to $19,676,632.08.

But there is also due to the State from incorporated institutions, Collectors of Taxes, Sheriffs, Inspectors, Registers of Wills, Clerks of Courts, and such other State officers, $1,562,151.89.

Of this large sum it may be estimated that one million of dollars will be returned into the Treasury, leaving the debt of the State over its productive assets less than four and a half millions of dollars.

It will thus be seen that the total actual debt of the State, after deducting the sinking fund and her reliable assets, is considerably less than one-fourth of her temporarily unproductive assets which I have not the least doubt can and will, with proper management, be made in a comparatively short time to liquidate entirely the State indebtedness.

Notably in this calculation is the large amount of principal and interest which the State holds in the Chesapeake and Ohio Canal, and by which of late years seems to have been considered by our State authorities and others, as merely an enormous sum of money which, with its interest accretions, has been sunk in a vast ditch, only profitable and available for political purposes and personages. In this opinion I do not concur, and proposing to adapt it to other and more profitable uses, I will make the Canal, at a later day, the subject of a special communication to the General Assembly.

Another half million of these now unproductive investments is in the different Eastern Shore Railroads, which, I am very glad to say, are generally surely approaching completion, and will either afford a return to the State, or an opportunity to dispose of the State's interest in them.

Yet another three hundred thousand dollars, now paying nothing, is invested in the Annapolis and Elk ridge Road, and I can clearly see the day, but a short, time distant, when causes now at work will enable a

sale of this investment. For the present, I recommend that no disposition shall be made of the State's interest in either this or the various Eastern Shore Railroads. They will all surely and speedily enhance in value.

Reference to the Comptroller's Report, statement J, and the acts therein referred to, will show that of the funded debts contracted by the State, $988,622.00 matured in 1865, to cancel which no arrangements have yet been made; that $1,403,146.36 will mature in 1870; that $100,000 of "Southern Relief Bonds" become due in 1873, and that all other loans of the State have from ten to twenty years to run.

Should not arrangements be perfected at this session for the liquidation of these loans already due, and soon to mature? The effect upon the credit and material interests of the State is bad to have a published statement of a debt approximating thirteen millions of dollars, when the use of her available assets would reduce it to actually about one-third of that amount.

Of the bonds of 1865, $773,000 are sterling bonds, and to liquidate them with the present premium upon gold, would require a larger sum than they represent upon their face. But still being overdue, the coupons exhausted, and the interest to be provided on them in gold, I think they should be retired, and I recommend their conversion into bonds of the Defense Loan upon such terms as in their wisdom will appear best. The longer time which these Defense Bonds have to run, and the high credit of the State would probably induce a very advantageous conversion. It should also be remembered that while the interest upon these bonds is payable in gold, the State has by a special agreement with the Barings, to pay them one per cent. additional in gold for their agency. When it is considered, then, that we pay six per cent. interest and commission in

gold, the difference between the conversion of these Bonds into the Defense Bonds, paying interest in currency, would not be as great as might at first be supposed.

I am very decidedly of the opinion that the other bonds of 1865 should be immediately cancelled, and that arrangements should be made for meeting the bonds of 1870 upon maturity. To do this I would recommend a sale of so much of the productive assets of the State as will be necessary to raise the requisite sum, and as some of these assets have a much higher present market value than others, which in time will probably appreciate, I would suggest that the Board of Public Works be directed to confine the sale to the bonds and stocks of the Baltimore and Ohio Railroad Company, which command at present the highest rates in the market.

The refusal of the Baltimore and Ohio Railroad Company to pay the bonus to the State required by the act of 1832, if sanctioned by the General Assembly, or sustained by the Courts, would necessitate the raising of revenue from other sources.

The appropriation of five hundred thousand dollars, wisely allowed by the Constitution, to the counties of Calvert, Charles and St. Mary's, for purposes of internal improvements, should be anticipated and provided for, as most, if not all of it, will very shortly be required, under the act of 1868, by railroads already in progress of construction, or in contemplation.

There are but two ways which I can see to provide this additional revenue. The one, by an increase of direct taxation, which I by no means favor, believing that the interests already taxed are bearing more than their just proportion. The other, by a tax per bushel on oysters, upon the revenue of foreign corporations,

express and telegraph companies, to which your attention will be called in another part of this paper, and by the saving of one hundred thousand dollars a year, now disbursed, as I believe, unconstitutionally, in the payment of pensions.

The refusal of the Baltimore and Ohio Railroad Company to pay its just dues to the State required me to provide means for the payment of $200,000, which I was called upon unexpectedly to raise at the close of the year for the payment of the judiciary, civil officers, pensions and schools and academies. And it will also be necessary for you to take steps to provide means, amounting from one hundred to one hundred and fifty thousand dollars, for the expenses of the General Assembly. The total arrearages for eighteen months of this Company, and the unsettled balance due the State upon its business done during the war for the transportation of troops, have been confidently relied upon to meet these payments; and it was only at the last moment that I became acquainted with its determination not to pay over these collections unless forced to do so.

The only resource I had was to the Baltimore banks. An application made to four of them by the State Treasurer and myself, was promptly responded to by the Farmers' and Merchants' National, the National Bank of Baltimore, the Citizens' National, and the National Mechanics' Bank, which evinced a commenable desire and purpose to come to the relief of the State in this sudden and unexpected emergency. A temporary loan was immediately offered by the Bank of Baltimore and the Farmers' and Merchants' Bank, and the last mentioned and the Citizens' and Mechanics' Bank offered to take the Defence Loan Bonds at varying but liberal rates. Upon consultation with the Treasurer, we decided to accept a loan of twenty-five thou-

sand dollars from the Bank of Baltimore, and to dispose of so much of one hundred and seventy-five thousand dollars of the Defence Loan Bonds, as was necessary to provide for immediate demands, to the Farmers and Merchants, whose offer was one-half per cent. better than that of the other two banks named. To the officers and directors of all these banks my own and the thanks of the State are due for their prompt liberality in placing their means at the service of the State at a time when they would have received a so much larger interest from individuals in the present stringent money market.

EDUCATION.

The operations of the system of Free Public Schools, as now established by law, will naturally claim a share of your attention. Whether we consider the magnitude of the public revenues devoted to the maintenance of this system, or the higher interests which are held to justify such expenditures in all enlightened commonwealths, it will equally be admitted that the subject is one that calls for your most careful consideration. The increased interest manifested in the cause of education throughout the State during the last few years, has produced the impression in certain quarters, that Maryland has only recently awakened to a sense of duty on this topic. Nothing could be more erroneous. As early as 1694 the Provincial Legislature of Maryland signalized its zeal in this behalf by passing an act "for the encouragement of learning," in the scope of whose beneficent operations it would seem that even the resident Indian population of the colony was appointed to share. This act was superseded only to make way for the more comprehensive statute of 1696, consummated in 1704, making ultimate provision for one free school in every county of the Province, beginning with Annapo-

lis, and it was in pursuance of this statute that a celebrated school was founded at this city, and long maintained until it became the nucleus, as well as precursor, of St. John's College. By the acts of 1723 and 1728 provision was made for the establishment of Public Schools throughout the Colony, and from that day until the present time, the people of Maryland have shown by the bounty of their public donation towards the maintenance of both public and private schools, that the indispensable importance of making provision for the support of education within their borders was clearly perceived and cheerfully recognized.

For several years, it is true, our legislation under this head, taking shape from the differing exigencies of different epochs and of different localities, may be justly said to have lacked the regularity and coherence of a symmetrical system, and in this way, after the conditions of such a system had been finally reached, we may have failed, for a time, to reap the full reward of the public benefactions devoted to this end. But the support and the maintenance of a system of Free Public Schools have now found a permanent place in the organic law of the State, leaving no room for further contest on this subject, except such as relates to the means that shall best conduce to the end proposed.

Your predecessors of the last General Assembly, faithfully discharging the duty imposed upon them by the Constitution of the State, enacted the school law now in force. That law undoubtedly betrays in some of its sections the marks of the haste under which it is known to have been compiled, at the close of an arduous and exciting session, but its essential features have been found so expedient in the practical working of the system, that you will, I am sure, address yourselves only to the improvement and mod-

ification of the system in some of its minor details, and not at all to the construction of an entirely new fabric. Every true system of public education should contain, in itself, the elements of organic growth and expansion, that it may meet the changing wants of the community without losing the advantages derived by experience from year to year, and nothing is so prejudicial to the laws of a wholesome and steady growth as a periodical disturbance of the very foundation upon which a system rests. It is only by adhering to the main provisions of the parent law that we can best profit by the lessons already learned from its practical administration.

Some changes the present system undoubtedly needs, in order to give it symmetry in point of form, and greater efficiency and thoroughness in point of execution. I venture, however, most respectfully to suggest, that nearly all the defects revealed by the practical working of the law can be cured by making provision for a more exact and authoritative superintendence of its operations. When we consider the large amount of money that is raised by taxation for the maintenance of Public Schools throughout the State, it would seem both natural and necessary that some public superintendence, beyond the mere disbursement of the school fund, should preside over the operations for which that fund is distributed by the accounting officers of the Treasury. The tax levied for the support of Free Public Schools falls equally upon all property holders in the State, and they are entitled, not only to know that it is faithfully disbursed, but also that it is faithfully applied, according to the terms of the law, for the objects designated. The law, for instance, requires that the schools shall be kept open for ten months, every year, in each county, and makes it the duty of the School Commissioners of each

county to levy an additional tax for this purpose, where the State appropriation is found inadequate. This requirement has been disregarded in some counties, and thus the conditions on which such counties received their share of the State appropriation have been virtually forfeited, for that appropriation is granted by the State in the faith that there will be enough of local interest in the cause of education to maintain, in each county, open schools for the space of ten months in every scholastic year. There should be some public superintendence charged with the enforcement of the law under this head.

The precise form of the agency that shall be selected for such superintendence is remitted to your better judgment, after a full comparison of opinions. But, when we take into view the magnitude of the interests at stake, I incline to the opinion that it would hardly be safe to repose this supervisory power in the hands of a single individual. Very few individuals in any department have such pre-eminent personal weight of authority as to insure for their determination the ready acquiescence of dissentient minds, but, where matters in controversy are decided by a Board having competent jurisdiction, as well in point of numerical weight, as of professional and official character, the proper independence of the local school authorities will be protected from the encroachments of arbitrary power and from the offensiveness of individual caprice. Indeed, the present school law, in one of its sections, ordains that "all particulars concerning text books, courses of study, and mode of discipline" in the High Schools of the State, "shall be under the control of the State Board of Education," but the constituents of that Board are not designated. On this point, as on all others relating to the practical administration of the present system, I have to invite your atten-

tion to the published report of the able Superintendent of the Normal School, who has discharged the accumulated duties of his post with an efficiency that qualifies him to pronounce most intelligently on the few weak points of the existing system.

The Board of School Commissioners in each county should, by law, be made corporate bodies, that their corporate character may be distinctly recognized. If the number of the Board, as ascertained by the present rule, should be deemed too large in some counties, a different regulation under this head may be instituted. The duties and prerogatives of the Secretary (who is also called to serve as Treasurer of the School Board and as the County Examiner of Teachers) should be more clearly defined.

If I do not advert to the fact that in some counties there has been a conflict of jurisdiction between the School Board and the Trustees of the School Districts; that in other counties a public examination of all the schools has not been held, as required by law; that Teachers' Institutes have not been convened as regularly as was contemplated, or that the Schools have, in some quarters, been kept open too long per day, as if to atone for not keeping them open long enough per year, it is because I presume that these irregularities could be repressed by the more efficient superintendence, which I have recommended, and because the consideration of such details should be more properly referred to the digest of the appropriate committees in each branch of your body.

As every system of Public Schools must depend for its success on the character of the teachers employed in its administration, I need not suggest that the liberal support of the Normal Schools and of the High Schools and Colleges,

which now receive the aid of the State, is an indispensable auxiliary to the efficiency and thoroughness of our primary Public Schools. "At present it must be acknowledged," says the Principal of the State Normal School in his report under date of January last, "that the qualifications of the average teacher are lower than what the public service imperatively demands," because the Public School teachers are themselves mainly the offspring of the Public School system, and if we expect the stream to rise higher, we must seek for it a higher source in our more advanced Seminaries of learning, which, therefore, in this view alone, are entitled to the fostering patronage of the State. It gives me pleasure to add that the condition of the Colleges which now receive this aid was never so flourishing at any other epoch of their existence, and it is hoped that they will continue to be, in an increasing degree, the ornaments of the State as well as the sure support of popular education within our borders, that our sons may not resort to other communities in order to seek those advantages which, as well on grounds of public economy as of State pride, they ought to find at home.

In connection with the subject of the system of education throughout the State, the fact occurs to my mind that a portion of our population consists of colored freedmen, for whose education no legislative provision has yet been made. If at a period, immediate or remote, they are to become citizens, possessed of the elective franchise, would not sound policy, then, dictate such education of the colored population as would prepare them intelligently to exercise the elective franchise, and as citizens to judge for themselves of the proper workings of our political system, and not be misled by the crafts and clamors of designing and unscrupulous politicians? Education among the colored people of the State

would have a beneficial effect in rendering them more valuable in any position they may be destined to fill. It would doubtless render them, as a class, more virtuous and provident, and better members of the community in which they live. It is not proposed to add to the burdens of taxation for the purpose of educating the colored population, nor to suggest that colored children be admitted into the Schools with the whites; but that the taxes which are paid by the colored tax-payers for school purposes be set apart for the education of the colored children, and that educational facilities be extended to this class of our population, and such encouragement given as will show that we have due consideration for their welfare and prosperity.

IMMIGRATION.

The great and increasing current of European Immigration to this country is an essential element of our growth and prosperity. Baltimore has advantages from her central location and better connections with the West and South, over any of the other large ports of entry, which are attracting increased numbers of Immigrants, as they are being better understood abroad through the efforts of our State Department, the International Immigrant Union, a Maryland Association designed to be auxiliary to the State Department in inducing Immigration here, and the agency of the Baltimore and Bremen and Baltimore and Southampton Steamship Lines. Immigrants by these lines have found that they get increased comfort and dispatch at less cost; that they are being better cared for in Baltimore than New York; that their facilities for going West are much greater, and their expenses for transportation thither one-fourth less. As these facts become disseminated abroad, the flow of Immigration to Baltimore will become largely augmented, and as Maryland greatly needs these hardy

and industrious new-comers to increase her population, supply labor and land purchasers, and to fill up her waste places, which have been made so by the war, we should endeavor to make Baltimore an attractive haven to them.

In so legislating, however, provision should be made to prevent their immediate transportation out of the State by the great railroad lines, whose interest it is to carry them, until they have ample opportunities to understand the greater advantages which it is believed Maryland extends to them over the Western States, to which their indications tend, from the large current which has preceded them.

I invite your attention to, and ask your co-operation in, the practical suggestion relative to Immigration made by the accomplished Commissioner of Labor and Agriculture, who, with his valuable assistant, Gen. Giddings, deserves the utmost credit for the effectiveness and value they have already succeeded in imparting to this new and useful Department. Particularly would I urge upon you to comply with his suggestions relative to a "Landing Depot, where immigrants could quietly, promptly and economically arrange for their settlement in Maryland, or their transportation to other States." And here, in view of its influence upon the tide of immigration, and its value to the State, I crave your indulgence if I digress from the usual subjects of an Annual Executive Message, to dwell as briefly as may be upon the resources of Maryland, and the advantages she offers to immigrants.

Space will not allow me to elucidate what probably immigrants and others are more familiar with—the value of a large city in the heart of a small State, the fertility and facility of culture of our soil, the temperature and salubrity of our climate, the variety and extent of our agricultural, horticultural and floral productions, the comparative cheapness of our lands, nor the cordial welcome which all good

settlers will receive from our people. What may not be so well known to them are the wealth of our mineral resources, the magnitude and volume of our water powers, and the extent of our railroad and water facilities.

Maryland embracing an area of 10,979 square miles, of which the Chesapeake Bay, and other navigable waters cover about 1,985 square miles, is divided by the Chesapeake, one of the most beautiful and important bays in the world, and it and its tributaries, celebrated not more for their navigable value than for their wealth of fish and fowl, into what is known as the Eastern and Western Shores of the State. The Eastern Shore, the smallest part containing nine counties, has not, except in the County of Cecil, much mineral wealth, but is celebrated in its whole extent for its unsurpassed fertility, its varied cereal, floral, and pomological productions in abundance and perfection, its great water facilities, and soon will have railroads completed throughout every one of its counties.

The Western Shore boasts of the third largest city of the Union, equally as convenient to the Eastern Shore counties as to some of those of the Western; has thirteen counties, several considerable cities, a varied agricultural production, prominent among which are the large cultivation of tobacco, fruits and flowers, and cereals in great variety and value; its water facilities not as great as those of the Eastern Shore, but its water power greater, and equal to those of the great manufacturing States of the East; its extensive manufacturing and mining establishments; its immense coal and other mineral deposits, and its great trunk railroads and canals.

Its largest mineral productions are immense deposits of coal, vast quarries of marble, granite and lime-stone,

and innumerable banks of iron ore, sand stone, soapstone and gneiss, slate, hydraulic cement, and other superior building materials; copper, chrome and ochre, clays of many kinds, including fire-brick and kaolin, used in the manufacture of the finest porcelain; sand for glass manufacturers and iron moulders' uses, exist in very large quantities, and are being largely and profitably worked; and even gold has lately been discovered in some sections, and is attracting the attention of skilled miners.

All these mines of wealth invite the immigrant's aid in their development, and nowhere can agricultural and domestic labor find more pleasant and remunerative employment.

OYSTER AND OTHER FISHERIES—PISCICULTURE.

In her fisheries of oysters, shad and herring of the Chesapeake and its tributary streams, our State possesses natural resources, which, under the fostering care of wise legislation, must eventually become a source of abundant revenue to the Treasury, and of great commercial wealth to her people.

The governments of Europe, of our New England States, and of New York and Pennsylvania, have, within a comparatively recent period, become aroused to the importance of increasing the food supplies of the people, and to the enormous productiveness to which their coast and river fisheries may attain under proper regulations, and already the results of the judicious measures which they have adopted have more than responded to their most sanguine anticipations.

As will be seen by the report of the Chief of the Oyster Police, Maryland possesses three hundred and fifty square miles of oyster beds, giving profitable employment to five hundred and sixty-three licensed vessels, and to nineteen hundred licensed canoes, and producing annually ten millions bushels of oysters. When

we add this to our once abundant fisheries of shad and herrings, it will be seen that—Virginia excepted—the riparian wealth of our State exceeds that of any other in the Union.

Judging from the magnificent results of oyster culture under government supervision on the coast of France, it would not be too much to expect that judicious legislation here would increase the productiveness of the Maryland beds ten-fold, thus giving profitable employment to additional thousands of our people, and creating an annual income to the State far exceeding in value that received from any two of its agricultural staples.

Maryland may be said to divide with her neighbor, Virginia, the monopoly of the oyster trade of this continent, and the demand for this popular food, in spite of the increasing activity of the trade, is constantly in advance of the supply, for every additional mile of railway radiating from Baltimore, in whatever direction, adds to the number of its consumers, and already not only our canned oysters, but oysters in the shell, from the waters of our bay, are to be found in the markets of Europe and the Pacific Coast. From all the information which I have been able to obtain, the existing laws regulating our fisheries are lamentably inadequate to the purposes for which they were enacted, and unless they are modified and amended, and others passed, our oyster beds will share the fate of those of England; we will prove recreant to a great trust confided to us by a beneficent Providence, and a great source of national wealth will perish through our own neglect.

Secondary in importance to our oyster fisheries, but of equal interest to the interior counties of the State, are the river fisheries of shad, herring, and other fish. These, once of great value, have gone to decay; landings which once produced a rental of thousands of dollars annually,

will now scarcely yield hundreds; the cost of cured fish to the consumer is full five hundred per cent. in excess of what it was forty years ago; what was once a cheap and common food of the poor, is fast becoming a delicacy, attainable only by the rich, and Maryland, from having been a large exporter, has become an importer of shad and herring.

This improvement of our fisheries is due not only to over-fishing with improper nets, but chiefly to the erection of impassable dams on the fluvial portions of the rivers, thus greatly restricting the extent of the spawning grounds upon which the increase of all migratory fish mainly depends. But there is another objection to these artificial barriers as now constructed. In early times, before these dams were built, shad and herring, and other migratory fish, penetrated in vast shoals far up the country almost to the head springs of all the tributaries of the bay, and the first dam erected on any of these streams, without a fish-way, unjustly deprived all the riparian proprietors above it of a valuable right, and a large portion of our people of a natural supply of cheap and wholesome food.

If it can be done without a violation of vested rights, I would recommend that the owners of these dams be required by law to erect upon them "ways" by which migratory fish may pass freely to the spawning grounds above, and that a similar provision should be make for all dams to be built or rebuilt hereafter.

Many of our States have appointed one or more commissioners upon whose reports their legislation for the protection and improvement of their fisheries is based, and the benefits accruing, so far, have more than met their expectations. Maryland, whose fishing interests are greater than those of all of them combined, cannot do better than to follow their example. I therefore recommend the appointment of two competent persons,

whose duty it shall be to inspect the bay and river fisheries of the State, and to report upon the same, making suggestions for such legislation as may be most conducive to their protection and improvement. I also recommend and urge that a small tax of a few cents a bushel upon every bushel of oysters taken from our waters be imposed, to aid the revenues of the State. If deemed advisable, the license now required to be taken by vessels engaged in the oyster trade might be entirely remitted, and the tax imposed instead would greatly enhance the revenue.

The report made by Captain Davidson, of the Oyster Police Boat, upon the oyster beds and oyster business of the State, is one of great interest and ability, and the zeal and efficiency which he has displayed in the discharge of his duties, is most commendable.

STATE AGRICULTURAL AND MECHANICAL ASSOCIATION.

The General Assembly, at its session of 1867, passed an Act, chapter 128, incorporating this Association, appropriating "the sum of twenty-five thousand dollars to purchase ground suitable for holding exhibitions" and appointing Trustees to "hold in trust such ground for the benefit of such Association;" with the *proviso*, "that should the said Association at any time dissolve, the said Trustees shall convey the land so purchased, &c., free of all incumbrance, to the State of Maryland."

The Trustees, after a careful examination of all the different grounds in the vicinity of Baltimore, offered them in response to several advertisements in the daily papers of that city, purchased a very eligible and valuable property a little west of Druid Hill Park, and which has already, since the purchase, greatly enhanced in value.

But this purchase exhausted the appropriation, and Association was left entirely without funds to improve

the grounds, necessitating an appeal for aid to the city of Baltimore and its wealthy and liberal citizens. This appeal was promptly responded to by a city appropriation of twenty-five thousand dollars, and an individual subscription approximating probably fifty thousand dollars. But both were made upon an assurance given by the Officers and Trustees of the Association that they would appeal to the Legislature to place both the city and individual subscribers upon the same footing as the State as regards any reversionary rights to result under the Act of Incorporation.

This, I suggest, is both just and wise. The property, with the improvements made wholly by these two last subscriptions, is worth very much more than the State investment, and as all parties were actuated alike by the sole and simple purpose to advance the Agricultural and Mechanical interests of the State, all parties should stand alike as regards the title to and reversion of, the property.

All the expenditures have been wisely and economically made by upright and public spirited gentlemen, who have received no other compensation for their time and labors than the consciousness of a good work well done, and the remarkable success of the first exhibition held on the new and then unfinished grounds in October last, and which was unquestionably one of the finest exhibitions of the kind ever held in the United States. I trust that there will be no hesitation in so amending the Act of 1867 as to make co-equal all subscribers to the capital of the Association.

BUREAU OF AGRICULTURAL, MANUFACTURING, MECHANICAL, MINERAL AND OTHER PRODUCTIONS AND STATISTICS.

It has occurred to me that the establishment of a central Bureau in Baltimore, under the general control of the

State Agricultural and Mechanical Association, in which, in the immediate charge of a competent person, with suitable assistants if required, there might be collected all possible information touching all possible interests—State and local—of Maryland, might be worthy of the consideration of the Legislature. Baltimore is not only one of the chief cities of the Atlantic seaboard, but is a centre to which all the people of the State are attracted, more or less frequently, in their business relations; and I have thought that if such a Bureau as is suggested, with proper and spacious apartments, was organized, it would not only be resorted to for the information to be obtained there, but afford a common ground on which citizens from all parts of the State would resort when either business or pleasure brought them to Baltimore; and to which also strangers might be referred when seeking information in regard to the State, or any part of its characteristics and its resources, as well as its present condition. Such a Bureau would afford, as it were, an epitome of Maryland. It should contain, suitably arranged for easy perusal, all the newspapers, daily and others, published in the State. Statistics of every description, relating to population, education, commerce, literary publications, agriculture, manufactures, internal improvements, canals, railroads, and turnpikes, should be found there. The natural productions of the State should all be exhibited in specimens of each arranged in an appropriate manner, so that the visitor might see at a glance the wealth of the forests, the mines, the waters, and the fields of Maryland. Models of machinery, samples of manufactures, originating in the State, or which the Board might regard as important or useful for the people of Maryland to have before them, would find a place in the Bureau. Neither should the past

be forgotten in this connection; and memorials of it, which are now disappearing, to be regretted at some future day, would be preserved as materials for the History of the art to which they are akin. Much of the information which the Bureau would afford may now be gathered by diligent search, on the part of those who know where to look for it in the libraries of societies or individuals, in the volumes of the census, in the Patent Office at Washington, and in the reports of the National Agricultural Bureau. But the proposed organization would concentrate it all as regards Maryland, would make the acquisition of it easy and attractive to the young in the schools as well as to persons in active life; and the collection of it, appealing to those whose talent, skill or toil it would illustrate, would find, in them all, interested and ready helpers, until from the small beginnings that the Legislature might at this time authorize, there would grow up an institution with a continually enlarging usefulness worthy of the State, and in which every one of its citizens would feel an honest pride, whether he came from the coal fields of Western Maryland to visit it, or from the Eastern borders of the State on the Atlantic coast.

To create, and, what is more difficult, to keep up an interest in such a Bureau, as is here suggested, it should not be made a mere office for statistics to which a few would ever resort, unless compelled by some pressing need for information, which might probably be found there; but it should, as already suggested, be made instructive to citizens of the State visiting Baltimore, and where they would be sure of meeting others on the same errand as themselves. This would require spacious and comfortable rooms; and in the same building might be accommodations for the Executive and other State officers whose business called them to Baltimore in the discharge of their

public duties. As the city intends to provide a chamber for the Executive in the splendid Hall she is now building, arrangements for this department might be made with the Municipal Authorities free of expense to the State.

To indicate in detail all that would come within the scope of this suggestion, would make this communication too voluminous. All that it is intended to do, is to call your attention to the subject, and to indicate that, in the Agricultural and Mechanical Association, there exists, already, the nucleus that may be made available in the immediate organization of the Bureau. A law, making an appropriation for the commencement of operations, authorizing the appointment of a proper person to be placed at the head, with such assistants as might become necessary, and indicating an outline of a general plan, would be all that would now be necessary on the part of the Legislature.

MARYLAND PENITENTIARY.

The Report of the Directors of the Penitentiary demonstrates the faithful management of the officers of that Institution.

The gross cost for maintaining it for the fiscal year ending with the 30th of November, 1869, was.....	$72,716.12
The sum received during the same period for hire of convict labor, &c., was.....	38,953.45
Showing that the expenses over and above the receipts of money from those sources were...	$33,762.67

The average number of prisoners in the Institution for the year was six hundred and forty-eight, being the same as that of the preceding year.

The number, however, received into the prison from year to year, respectively, is the best stand-point from which the increase or diminution of crime in the State should be taken. In the year which has just closed, three hundred and seventeen convicts were admitted. In the years 1866, 1867, and 1868, (the three years succeeding the late internecine war,) the total number received was ten hundred and twenty-eight; showing an annual average of three hundred and forty-three. From this comparison it will be perceived that the number received in the year 1869 was twenty-six less than the foregoing average. Other causes, such as Executive pardons and discharges by reason of expiration of the terms of sentence, may increase or diminish the average number confined according to the facts as they appear in that connection. For instance, in the year 1867 there were issued one hundred and eight pardons, and one hundred and ninety-nine were discharged because of the expiration of the term of sentence; making the total number discharged three hundred and seven. In 1868 there were one hundred and thirty pardoned out and one hundred and ninety-seven discharged by reason of expiration of sentence; making the total number of discharges three hundred and twenty-seven. In the year 1869 but sixty-four were pardoned out, nineteen by my predecessor, Governor Swann, at the commencement of the year, and only forty-three since by myself, and but one hundred and sixty-five discharged on account of expiration of sentence; making the total discharges for the last-named year two hundred and twenty-nine, or eighty-eight less than the average of the years 1867 and 1868.

These comparative statements are made for the purpose of exhibiting to you that the march of crime does not now present that startling aspect which it was feared it would assume in consideration of the rapid increase of prisoners which marked the years 1865, 1866, 1867, and 1868.

In this matter of crime, therefore, there appears to be some ground for the agreeable belief that its worst condition was in the past. All wars that have been of any marked duration, undoubtedly demonstrate that crime has followed close and thick in their wake. This truth is patent to the general reader, and the causes which produce the result are obvious. Since the close of the late war, the large increase of persons sentenced for criminal offences in Maryland is almost exclusively made up of the colored population and strangers brought into the State by the war. The statistics constituting a part of the report of the Directors, exhibit the fact that on the 30th of November, 1869, there were four hundred and fifty-seven colored and but two hundred and twenty-three white prisoners. An examination of the annual reports of the Directors will also show that there are *fewer white prisoners at this time than there have been at any period within the last eight years;* hence, the increase above the ordinary number has been of blacks.

The emancipation proclamation freed the colored people of Maryland, and the domestic strife then waging soon found a large portion of their able-bodied men in the Federal army. At the close of the war these returned to civil life, many of them demoralized by lawless practices and vicious associations, and with habits idle and dissolute. Others that were aged, infirm, or youthful, who were emancipated by the act referred to, in very many cases, abandoned the service of their former masters, or were compelled, because of the inability under surrounding circumstances of those masters to support them, to relinquish the same and seek employment elsewhere, or secure support by less honorable means.

In view of these combined causes, the present condition of affairs is not at all surprising; the wonder is that it is not more deplorable. The depths of lawlessness, it is be-

lieved, have been reached, and it is most sincerely hoped that a rational consideration, upon the part of this population, of what their condition in society enjoins upon them, aided by the benefits of education, morality, and religion, will restore the vicious and lawless to a condition of usefulness and employment.

In the brief discussion of the foregoing matter, I do not wish to be understood as asserting the theory that the whites are free from crime, but refer to the facts for the purpose of demonstrating that it prevails to a much greater extent among the black than it does among the white population, and the more especially so does that appear when the population of the races in Maryland is compared.

The financial condition of the Institution is not the result of a lack of efficiency on the part of its Directors, but is consequent upon the rapid increase of prisoners since the year 1865, and the great difficulty experienced in farming out their labor. During the war its financial condition was much more favorable, because of the comparative scarcity of labor at that time. The restoration of peace brought back industry to the workshop, which, to a material extent, lessened the demand for prison labor, and hence rendered it difficult to secure contracts for the service of the convicts. In addition thereto, the multiplication of machinery for manufacturing purposes, and the fact that better skill can be obtained outside of the prison, for the reason, among others, that expiration of the sentence of prisoners frequently occurs before or by the time they become experts, operated to the same disadvantageous end. I have been informed that two of the largest departments of mechanical industry in the prison were abandoned by the contractors at the beginning of the year 1869, for the reason that they could manufacture better and comparatively cheaper fabrics of the kind in their own workshops

outside of the prison. The effect of those causes is exemplified in the fact that in the year 1867 there were three hundred and eleven male prisoners under contract; in 1868 there were three hundred and ten; while in 1869 there were but two hundred and forty-nine.

Few, if any, of the principal prisons in the United States have of late years been self-sustaining, and the adoption of any theory of prison discipline or confinement, other than the present one, would prove much more expensive to the State. Transportation, the galley, the hulk, the chain-gang, and the wheel-barrow systems, have nearly everywhere been abandoned as being repugnant to civilization and humanity, and as being both inexpedient and expensive. That known as the "separate system," adopted in Pennsylvania, has but little to commend it, either on the score of human sympathy or prison reform, and is certainly more burdensome to the State than any other form of confinement as a punishment. Through series of years the subject of prison discipline has occupied much of the attention of statesmen and philanthropists, and after having tried many systems, the world has groped its way to the present prevailing system through slow experiment. This system is generally recognized in this country as the "Auburn system." It does not isolate the prisoners during the day, but inhibits conversation between them. It keeps them employed at some branch of industry, and hence their minds are concentrated upon their task. It is the popular theory of prison discipline, because its tendency is to adapt the hitherto idle to habits of industry and of self-reliance, when they shall have been discharged from prison. It is believed to be more reformatory in its effects, and more consistent with the dictates of humanity, and certainly more conducive to the health of the prisoners, than any other system that has been tried, while it relieves, to some

extent, the State from the burden of supporting a large body of prisoners in idleness and unproductiveness.

A prisoner, even if convicted of a most serious offence, is entitled to the rights which civilization and humanity suggest. He should be permitted, so far as his condition would render it practicable, to breathe pure air; to take such physical exercise as may attend labor; he should be protected from the severity of the seasons; supplied with a sufficient quantity of wholesome food, and have a comfortable resting place at night. In the Maryland Institution the prisoners are well cared for in the matters of food and clothing, and they enjoy regularly the benefits of religious service and educational exercises on the Sabbath day. Some of them partake of all the rights or advantages referred to, but for other prisoners the matter of sleeping apartments is sadly defective. Two of the rooms set apart for that purpose, that measure less than fifty feet each way, contain each more than one hundred beds, and hence the atmosphere in them, either in summer or winter must become poisonously impregnated. The confining of crowds of prisoners in an apartment, either in the day or in the night, was one of the evils and cruelties of prison life of the last century, which the investigations and animadversions of such men as Howard, Blackstone, Bentham, Eden, Buxton, and other philanthropists, exposed and reformed. The history of that condition upon human life, is alike startling and appalling, and if a malignant and infectious disease should, in the present condition of some of the departments of the Maryland prison, make an incursion therein, the result might impress a stain upon the Legislative record of the State that time could not efface. The Directors of the Institution have repeatedly invoked the attention of the State to this defect. It is, this year, renewed in the report of the Directors, and as

that report will be laid upon your desks, I respectfully invite your attention thereto.

In justification of the past omission of the Legislature on that subject, it has been set up that the construction of additional dormitory buildings would be a wasteful expenditure, and that the construction of a new Penitentiary, of much larger dimensions than the present one, was the only expedient that could remedy the evil complained of. Such an improvement would involve a very large expenditure, and I am satisfied that the necessity for it does not now exist, or the demand for it is not certainly of a character so pressing that considerations of the present financial condition of the State will not justify a postponement of its construction.

If, in the future, an increase of criminal convictions should render the measure indispensably necessary, the postponement until such time would be a measure of economy, because the interest, each and every year, upon the amount of money that would be required to construct a new prison, would be greater than the cost of the dormitory buildings that are now required. A new Penitentiary will, under any circumstances, whenever commenced, be a work of years, and therefore, during the progress of construction, the evils now complained of, unless remedied in the manner suggested, would continue up to the time of its completion, and the most lamentable consequences might result therefrom.

MARYLAND NATIONAL GUARD.

A well organized and regulated militia is a necessity in a Government like ours, where standing armies are oppressive in their cost and dangerous to the liberties of the people. It is the right arm of the National defence, and the reliance of the State in times of tumult or resistance

to the laws. Its service should be voluntary in peace and, only enforced when war's necessities compel. Its cost should fall upon the rich rather than upon the poor, as one great reason for its maintainance is the protection of their property. Property must bear the burdens of the State, and no poll tax is allowed. The present militia law, good in many respects, is radically wrong in this, that its cost falls too much upon those least able to bear it. I would, therefore, recommend, that that provision of the law which enforces a fine of two dollars upon all who fail to enroll themselves in some regiment, be repealed. The enrolment system, too, has not worked well, as outside of the city of Baltimore almost the whole amount collected from those not entering the service has been consumed by the expenses of collection, and has, therefore, added nothing to the military fund, as it was intended it should. I therefore, recommend, also, the repeal of this section and a modification to correspond of all others which the repeal of these two would affect. In lieu of the enrolment fund a small direct tax should be levied.

Necessary taxes for the support of government and the good order of society must be collected. Economical and honest administration will relieve, in a great degree, the burdens of the people, and they will cheerfully pay what taxes cannot be dispensed with.

STATE LIBRARY.

I would call your attention to article 7 of the Constitution, which declares that "it *shall be the duty* of the Legislature at its first session after the adoption of this Constitution, to pass a law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give bond, &c., for the proper discharge of his duties."

The last Legislature having failed to comply with this requirement of the Constitution, it becomes your duty to enact such measures as are prescribed, and in doing so I submit for your timely consideration, and without by any means intending any reflection upon the present Librarian, that the Library is anything but creditable to the State, and to all preceding Governors and Legislatures.

Excepting the law books, most of which are the contributions of different States, the volumes are by no means of standard works, such as should grace the shelves of a State Library. Proper provision and proper appropriation for the purchase of books should be made by this Legislature, and the Library put in the way at least to become what it ought to be.

STATE RECORDS.

By resolution 27, passed March 5th, 1847, the then Governor was directed to hand over to the State Historical Society, for purposes mentioned in the resolutions, certain historical papers of great interest and value; said papers after having been arranged and collated by the Society to be "returned to the Executive of the State on or before the first day of January, 1849."

These records are still held by the Society. Their proper place is the Archives, or the Library of the State, if proper arrangements are made by the General Assembly for their reception and preservation. They are not only of great interest as affecting the early history of the State, but of great importance, legally, in the conduct of suits, involving old titles, &c.

The Society has, besides, a calendar of certain volumes of the State Records covering the period between the first settlement of the Province and the beginning of the last century, prepared under the direction of the late John H.

Alexander, and deposited with it after his death for safe-keeping. To this calendar is also prefixed an account of the documentary material of the State in our own and foreign depositories. Any action you may take regarding the first papers and records should apply to this calendar.

STATE LIVE STOCK SCALES.

By reference to the Report of the Comptroller, it will be seen that the net receipts into the Treasury from the Cattle Scales, were nearly ten thousand dollars. The business at these scales has very largely increased within the last ten years, and the cattle trade of Baltimore has assumed vast proportions requiring increased facilities and accomodations.

Those now existing were designed when this trade was only about one-fourth of what it at present is, and when the supply of cattle was mainly, if not entirely, for home consumption. But Baltimore, with proper inducements extended, is destined to be, as indeed she already is, one of the largest, distributing cattle markets in the country. The present facilities for the weighing and moving of cattle are so inadequate to the business done, that great delay and inconvenience result, and much discomfort is occasioned both to dealers and their beasts. Another weigh scales and additional pens upon the present grounds are greatly and immediately needed, and can be erected without considerable cost. I would therefore reccommend the passage of a joint resolution by your Honorable Bodies, authorizing the Executive to appoint a committee of two competent persons who shall examine and report to this General Assembly such improvements as are necessary, and the probable cost thereof, with a view to immediate Legislative action.

STATE DEAF AND DUMB ASYLUM.

The General Assembly at its session of 1867 passed an act (chapter 247,) "to establish and incorporate an Asylum for the Deaf and Dumb of the State of Maryland."

By the provisions of this act, "the Armory Grounds, at Frederick city, with the buildings thereon, are set apart for the occupation and sole use of the said Institute, with full power and authority to erect thereon such additional buildings as may be needed," &c., "the sum of twenty-five thousand dollars, to be used in the construction of the buildings hereinafter provided for, is appropriated," and a further annual appropriation of so much of five thousand dollars as is necessary for the support and maintenance of the Society, is made.

The provision is made "that the Institution receive the mutes of the State," and the evident purpose and intention of the General Assembly was that they should be placed there immediately upon the proper accommodations and educational advantages being provided.

But it was an oversight, in passing both this act and the subsequent act of 1868, not to have repealed the law authorizing the sending of the State pupils to a similar institution in Washington City, and the result has been that the State has been called upon to pay, within the last year, five thousand six hundred and fifty dollars, to an institution outside of her limits, and in no way superior to her own, when her own is required by the act of 1867 to "receive and educate all deaf and dumb persons sent to said institution, free of charge, who present a certificate of the Orphans' Court or County Commissioners, that they, their parents, or guardians are unable to educate or support them, and in all other cases they are permitted to charge a sum *not exceeding two hundred and fifty dollars per annum.*"

The Institute at Frederick City has been in successful operation, as I have satisfied myself by a visit to it, for more than a year. The pupils appear to be happy, well cared for, and well tutored; the necessary accommodations for all the State pupils, I am assured by the President of the Board of Visitors, (A. Fuller Crane, Esq., of Baltimore City,) have been provided; and I therefore urge the passage of an act requiring the immediate change of the State pupils from Washington City to the State Institution at Frederick City.

THE CITY OF BALTIMORE.

It should be our pride, that whilst Maryland is territorially one of the smallest States, she has within her limits one of the largest, most prosperous, most enterprising, and most inviting cities in the Union. Any legislation looking to her advancement should be cheerfully afforded. The day has passed when there could be any of that antagonism between the counties and our great city which politicians, for selfish purposes, once sought to engender. The prosperity of Baltimore is the prosperity of Maryland. With her tributaries, our beautiful bay, the great Balto. & Ohio and the Northern Central, the Western Maryland and the Balto. & Potomac Rail Roads, which, when completed, will pour into her lap the wealth of Southern trade and travel, as the first two roads are now doing, and the third will do, of Western, her future is assured. Her trade will be more varied and multiplied. With her far cheaper supply of coal, made yet more cheap by the completion of the Western Maryland Road; her unsurpassed water power; her great tobacco, flour and meat exports, and coffee and sugar imports; her nearest and cheapest seaboard and railroad connections, and her direct European steamship communications; her unequalled health, good

order, and excellent police arrangements, and her fertile and healthy contiguous territory, she has advantages which no other city can equal, and which will speedily make her the second city of the Union. Nothing will tend more to this brilliant future than the speedy completion of these yet unfinished railroads, and any proper legislation which she asks should be unhesitatingly granted.

RAIL ROADS AND CANALS.

I approach the subject of our Internal Improvements with great delicacy, but confident of the rectitude of my position, and that it is for the best interest of the State. The rivalry between certain railroad interests has engendered personal and political feelings which are greatly to be deplored.

The agitation, upon one side at least, has been conducted in a spirit which has not hesitated to assail unjustly the character of gentlemen standing as high as the highest; and all who have favored the extension of railroad facilities to every section of our State, and a generous rivalry between existing roads, and those yet to be built, have been maligned, personally and politically, by designing persons, for unscrupulous purposes.

Baltimore and Ohio Rail Road.

Not content with falsely charging hostility to the great Balto. and Ohio Rail Road, which has done so much for the advancement of the State of Maryland and city of Baltimore, the charge of subordination to Pennsylvania interests, and Pennsylvania politicians, has been made, hoping to effect their purposes by exciting popular clamor and influencing your action as the Representatives of the State.

Because any road runs rival to the interests of another, are the people of those sections of the State, through which it is to penetrate, ever to be debarred railroad facilities, and the taxable basis of their lands never to be enhanced?

Because capital within our State is insufficient to build competing roads, are we to be told that those who seek and find it, for such purposes, in our sister States, are employing "*foreign*" capital against our own, and that their political sentiments are so shallow as to be controlled by men whom they have always politically opposed?

It is no hostility to any railroad which has led me to favor the construction of all roads and canals which can be built in Maryland, and to favor their independent operation after they are built. It is because I would extend the same railroad facilities to the people of Southern Maryland, for which they have been so grievously taxed to afford them to all other sections of the State, that I have alike urged the building of the Baltimore and Potomac Road, to which the Baltimore and Ohio is so hostile, the Metropolitan, which is one of its own branches, and the Southern Maryland and Drum Point Roads, which the Balto. & Ohio has the opportunity of building, *as it had that of the Balto. and Potomac offered it*, and which it contemptuously rejected. It is because I would aid the prosperity of the city of Baltimore, by giving it cheap coal for its purposes of fuel, of manufactures, and of steamship uses; and by pouring into its markets the agricultural and mineral wealth of the counties of Baltimore, Carroll, Frederick, Washington and Allegany; because I would increase the prosperity of the people of these counties by giving them increased facilities, and thus enhance the value of their lands and decrease proportionately the taxes of other parts of the State; and because I would open up in every practical way to the markets of the world, the immense coal fields of Allegany, that I urge you to extend every practicable and constitutional assistance that the Western Maryland Road may ask, to aid in its completion. Finally, it is because I would make Mary-

land the great State she is destined to become, by a liberal and wise railroad system, that I would urge the passage, *at this session*, of a free railroad law, under which our citizens may be enabled to build railroads whenever capital can be secured for the purpose.

It would be an act of injustice to the Directors and large stockholders of the Baltimore and Ohio Company—which I by no means contemplate—if it is supposed that the language I have used in reference to the action of certain persons, is intended, in the least, to apply to them. On the contrary, I know many of them to be gentlemen of the most enlarged and liberal views, who would sink, in this matter, their personal interests in the public good, and multiply, to any desirable extent, the public works of our State, and who would scorn to misrepresent the motives or acts of honorable men.

Occupying this position, and being really more largely and directly interested in the success of the Baltimore and Ohio Road than they who, for personal and political purposes, assail my motives, it is with great regret that I ever have to *appear* to be in an attitude of hostility to it, or to differ with a management from which such a career of prosperity has resulted to it.

But official position entails official duties and responsibilities which cannot be disregarded.

It is this responsibility which, in the duty that the Constitution imposes upon the Executive, to "take care that the laws are faithfully executed," constrained me to urge by letter to the President of the Baltimore and Ohio Road, and by appeals to his stockholders and Directors, who, I thought, would have influence with him, to pay immediately into the State Treasury the one-fifth receipts from passenger travel between Balto. and Washington, which the Act of 1832 requires him to do, which he has for

eighteen months withheld, and which I hear, from those with whom he has communicated, he intends to continue to refuse, as he has up to this time failed, to pay, and it is this responsibility which now requires me to submit the matter for your consideration. Of my letter, written some two months ago, and of that of the Comptroller, to the same effect, written sometime previous, the President has taken no notice, nor has he had communication, direct or indirect, with me upon the subject.* But I hear from those who have talked, both with himself and the attorney of his Company, that he will not pay, hoping to drive the Board of Public Works into a suit, and then, pleading the decision of the Supreme Court in a case between a Rail Road Company and a Western State, to escape its payment to the State altogether, when his Company having been merely the collector for the State; if withheld at all it must, of course, be withheld wrongfully. The near approach of the session of the Legislature, decided me to take no active steps, as I would otherwise have done, to assert the State's right to, and enforce the payment of, this money, but to bring the matter to your attention.

The property of the State in this money, and the *obligation* of the Company to pay it, is fixed by sec. 8, ch. 175, Act 1832, incorporating the Baltimore and Washington road. It is therein required that the Company "*shall* pay to the Treasurer of Maryland on the first Monday of January and July, in each and every year, for the use of the State, *one-fifth of the whole amount* which may be received for the transportation of passengers on said railroad, by said Company, during six months last preceding."

*A reply was subsequently received on the same day it was sent to the Baltimore press, after this had gone into the printers' hands, and just as I was leaving Annapolis to spend Christmas with my family, and when too late to change this part without altering much more of this paper. It is, however, acknowledged and treated of elsewhere.

It is further required that "the President *shall* exhibit, on oath, to the General Assembly, on the first day of January, or as soon thereafter as the said Assembly shall convene, in each and every year, an account showing the *gross* amount received by said Company for the transportation of passengers on said road, and the State's proportion thereof."

As the President of the Baltimore and Ohio Company has refused, or is understood to refuse, and certainly has failed for eighteen months, to comply with the first requirement of this section of the Act, by paying into the State Treasury the "State's proportion" of its receipts, so has he utterly, and, as will presently be seen, possibly for a purpose, failed during the same length of time to comply with the second requirement, "to exhibit, on oath, an account showing the State's proportion of these *gross* receipts."

It matters not whether any claim is to be advanced as an offset to this mandatory payment required by the Act of Incorporation. If there be any such claim, it is for the General Assembly to pass upon its validity after it is presented, and to provide means for its payment after it shall have been allowed. This "State's proportion" has been estimated among the certain receipts of the State in the Legislative provision which has been made for the expenditures of the State. The failure to receive it has caused great embarrassment; and I urged upon the President of the Company that its immediate receipt into the Treasury *was necessary to defray the expenses of this session of the General Assembly.* If it is not paid, other means will have to be provided. As the law exacted its payment at certain fixed dates, and as the State has herself had interest to pay because of its non-payment, I notified the President that interest would be required for the time it has been with-

held; and I shall so insist, unless otherwise directed by your Honorable Body.

I have said that there was possibly a purpose in the omission of the President of the Company to take the oath required, showing the "State's proportion" of these receipts for passenger travel. I desire, therefore, to call your particular attention to the exact language of the law, viz: "One-fifth of the *whole* amount;" "an account showing the *gross* receipts;" and to the *proviso* of the same section, which declares "that *in no case* shall the amount received by the State from the Baltimore and Ohio Railroad Company, for the conveyance of each person the whole distance between the two cities, *be less than twenty-five cents.*"

Up to a certain time the President of the Baltimore and Ohio Company complied with the requirement of the Act compelling him to give, on oath, a statement of the *gross* earnings of the Washington branch, that the State might receive her "*one-fifth of the whole proceeds,*" and it is not questioned that up to the year 1863, the State probably received her full share of what she was entitled to from this source. But the war poured an immense current of travel over this road; its earnings from passengers became immense; and it may be, that in the last six years, the State has not received her just dues from it. Certain it is, that in or about November, 1863, the system of keeping the accounts of this Company as establishing the relative proceeds of travel on the branch, and the eight miles of main-stem between the Relay House and Baltimore, was very materially changed.

By the system of keeping their accounts up to that time, no credit was given to the main-stem for the passenger travel between Baltimore and Washington, or intermediate points, except upon these eight miles.

By the new system, as I understand it, at the end of each month the accounts are made up at each station; the proceeds of the travel over the entire line are aggregated, and then, by some principle of calculation or process of reasoning which I confess myself entirely incompetent to solve, it is apportioned in the ratio of about three-sevenths to the thirty miles of branch, while about four-sevenths is credited to the eight miles of main-stem.

Having no access to the books of the Company, I can no more say how the State's interest is calculated than why this mode of apportionment is made. If the State is allowed only one-fifth of the proceeds from passenger travel over the Washington branch proper, instead of over the whole road from Baltimore to Washington, *as was intended by the charter*, then by the present apportionment she receives less than one-half what she did receive under the old.

In other words—and to try to make my meaning more clear by an example—if the proceeds of monthly travel from a way station to Baltimore and Washington and intermediate points, is three hundred and seventy-one dollars, by the present mode of calculation, one hundred and sixty-six dollars is apportioned to the thirty miles of the Washington branch, and two hundred and five dollars to the eight miles of main-stem. Divide one hundred and sixty-six by five, and the State's one-fifth is thirty-three dollars and twenty cents.

By the old system, with the same travel from and to the same points, the apportionment to the main stem was only about eighteen dollars, and to the branch three hundred and fifty-three. Divide three hundred and fifty-three by five, and the State would have received seventy dollars and sixty cents.

I make no charge that in this way the State has not received all that she was entitled to receive. But this

change in the mode of keeping the accounts of the Company must have been made for a purpose. More complicated than the old system, the apportionment is all against the branch. Why? If it is because the Company thinks that the main-stem should be credited with the equipment of the road, and that therefore the apportionment must be made in its favor and the State receive but one-fifth of the minor portion allowed the four times greater length of the branch, what becomes of the requirements of the charter, that the State *shall* receive "one-fifth of the *whole* amount" received from each passenger, and that "*in no case*" shall the State receive "less than twenty-five cents" for each passenger between the two cities? Or this new mode of adjusting the accounts of the main-stem and the branch, may be for a different purpose. The State holds stock both in the Baltimore and Ohio Road and the Washington branch, on both of which she receives annual dividends. But the dividend on the branch being larger than the main-stem, it may be that the calculation is made to give the main-stem the advantage, because of the supply of machinery, and thus the State's dividends be decreased. I again distinctly disavow the intention of charging that the State has not been fairly dealt with in this transaction; but I still think appearances warrant an investigation.

Taken in connection with the facts that the President of the Baltimore and Ohio Company has not for eighteen months made the statement, on oath, that the law compels—that he has not for several years made a settlement in full with the State, as he admitted to the General Assembly of 1867, in response to orders of the Senate and House, calling for information, and that he has for eighteen months withheld the entire amount due the State, I have deemed these circumstances as imperative upon me to

bring the matter to your attention, to be decided as your best judgment may dictate.

As the time and labor required may be greater than a committee of your body might be able to spare from their other duties, and as the examination of these accounts and books requires a particular ability and experience, it might be well to authorize the appointment, either by the Executive or the Board of Public Works, of a competent accountant who, *upon oath*, shall examine the books and accounts of this and other Companies, if deemed advisable, and report what amount, if any, is due by it or them to the State.

After this paper had gone into the Printers' hands, I learned that the Directors of the Baltimore and Ohio Company had, at their meeting, early in December last, determined to withhold the State's dues from that Company, for reasons which are to be publicly assigned, but which have not been officially communicated to me or to the Board of Public Works, but they are understood to be substantially these :

1st. The Baltimore and Ohio Company had, by its charter, the right to build lateral roads, and therefore the Washington branch, without the condition subsequently exacted by the State in granting the charter of the Washington road.

2nd. The large returns made to the State had compensated the State for the risk she took by her aid.

3rd. That the decision of the Supreme Court of the United States, in the case of Crandall vs. The State of Nevada, would exempt the Company from an enforced payment.

4th. The building of the Baltimore and Potomac road, which would be a competing road for travel between Baltimore and Washington.

The first argument is disposed of by the fact that, whether the Company had this right or not, it voluntarily accepted the condition imposed by the charter to pay to the State one-fifth of all money from passenger travel; and probably in this way became exempt from other taxation. By the ninth section of the Act, (1832, ch. 175,) all funds received from the railroad are pledged for the payment of the certificates of State debt issued to raise money to pay for the stock subscribed by the State.

The holders of these bonds, therefore, have as security for their payment, first, the faith of the State, and second, the revenue derived from this tax. The revenue is pledged forever for the payment of these bonds.

It is a grave question whether the agreement by the railroad to pay this share of its earnings to the State is not such a *contract for the benefit of the holders of these bonds* that the State itself is unable to release it until the bonds are fully paid.

The second argument requires no reply, except that the large profit to the State has been equally large, or larger, to the Company.

To the third, in which the decision of the Supreme Court in the Nevada case is relied on to sustain the Company, it is respectfully submitted that the cases are not analagous, and that the decision does not conflict with the constitutionality of this tax. There the State of Nevada imposed a tax upon all passengers *going out of the State.* It was imposed *alone* on that class. Persons might travel where they pleased *within* the State, and no tax was imposed. This was a discrimination, and interfered with rights of citizens to go from one State to another. Such an interference the Supreme Court in this case decided to be unconstitutional, *because* a State cannot legally interfere with the rights of citizens of one State to pass over or through

it, making a distinction between the rights of citizens within the State and citizens going through the State.

The Baltimore and Ohio case is different. The *Company* is required to pay the State a "bonus" on every traveller on the road, no matter where he goes, or whence he comes, or where he may reside. It makes no discrimination between the citizens of this State and those of other States. It is toll paid *on*, not by, every traveller, for the use of the road which the State had aided by her money to build. It taxes the *Company* equally for travel within Maryland and passing through. The right of the State to levy a tax on persons using her road within her boundaries cannot be denied. If it is contended that she has no right to lay a tax on those who incidentally pass beyond her limits, then she is denied rights over one class of persons because they are only transient passengers, which she has over others because they happen to stop before going beyond her limits.

Citizens of other States, instead of having the same rights in Maryland, and incurring the same obligation to her laws as citizens of Maryland herself, will, in truth, be a privileged class, and be exempt from duties her citizens are compelled to perform.

The fourth argument of the future rivalry of the Baltimore and Potomac Road, is as yet premature. The one road has not yet impaired the receipts of the other, and can be no excuse for the Company not to pay to the State Treasury what it has been collecting actually for the State. No Court can say that what the Company *has* collected for the State it can withhold for itself, because of *future* competition, or because illegally collected from the passenger. If illegally collected, it is a question between the Company and the passenger. As the passenger cannot be refunded his money which has been paid by many

thousands in the last eighteen months, it must go to the State for which it was collected. It might have been illegally but honestly imposed by the State, but if collected by the Company and withheld it is fraudulently done.

It may be asked of you to release the Balto. and Ohio Company, in future, of this "bonus," in consideration of the completion of the Baltimore and Potomac road, even although you refuse to sanction the forcible and fraudulent retention of what has been collected and not paid over in the past.

The reason that the completion of the Baltimore and Potomac Road between the cities of Baltimore and Washington would cause that road, exempt from this tax, to have an advantage over the present road in competing for travel, would seem to have much force.

All other things being equal, it would be manifestly unjust and improper to impose this tax upon one road and not upon the other. But the Baltimore and Ohio Road, by its charter, claims to be entirely exempt from State and county taxation upon its capital shares and property of every description, while the Potomac is compelled to pay, as other interests are, upon their investments and capital. It would manifestly, therefore, be equally as unjust and improper to give the Balto. and Ohio Road the advantage of a release from this capitation tax, and an entire exemption from all other taxation.

It never could have been the purpose of the General Assembly granting the charter, to release *in perpetuity* the largest interest in the State from all taxation, to the detriment of other interests. It could never have been its purpose to make the interest, of all others in the State most able to pay taxation, the *only one in the State exempt* from taxation.

Its purpose unquestionably was to invite capital to secure the building of this great work, and to offer such capital every protection until it received its own return and remuneration.

It could never have been contemplated that this exemption of the Baltimore and Ohio *Rail Road* from taxation, should extend to foreign *steamships*, worth millions of dollars, and trading to every port of the world, as they now do to Bremen and Liverpool, owned by this Company, and *therefore* exempt from taxation *because* of the ownership. Yet these steamers are run free of taxation, and it is claimed that every sea in the world may be whitened with the sail of this Company, as free from taxation as the waves that waft them, if owned by, and run in the interest of, or connection with, the Balto. and Ohio Rail Road.

If this is so, and if capital and property exceeding probably fifty millions of dollars, owned by one interest, are the only possessions in the State exempt from taxation, should the State yield any incidental revenue that she may be in receipt of from this interest, in violation of Art. 41 of our Bill of Rights, "that monopolies are odious, contrary to the spirit of a free government, *and the principles of commerce*, and ought not to be suffered;" and to Art. 15 of the same Declaration, that "every person holding property in the State ought to contribute his proportion of public taxes for the support of the government, according to his actual worth in real or personal property?"

Whilst, therefore, I should be the first to release this Company from the capitation tax if it will submit to an assessment upon its capital and property, I will be the last to sanction it until it does submit to be put on a level of justice with the other tax-paying interests of our State.

And here the question arises, Will you release it from the "bonus" on the Washington branch and subject the whole capital of the Baltimore and Ohio Railroad Company to such taxation as all other interests are required to pay; or, in case of the Company's succeeding in obtaining a judicial decision exempting it from the payment of this "bonus" to the State, will you impose a State and County tax to be paid by it? I know that your right to do so will be disputed by the Company, and may be questioned by others; but I believe you have the authority, and if you have, I know the public sentiment will not only sustain you, but demand that the assertions of our Declaration of Rights, which of all others receive most general support, shall be conformed to and enforced.

As regards your power to impose this tax, I suppose its denial will be predicated upon that clause of the Federal Constitution prohibiting any State from passing any law impairing the obligation of contracts. The whole question is, whether the Act exempting the property is a contract binding on all subsequent Legislatures? This resolves itself into the question whether the Legislature has the *Constitutional* right to make such a *contract?*

The 13th Article of our old Bill of Rights, which was in force when this exemption was granted the railroad, and which has been mainly followed in all succeeding Constitutions, declares "that levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government; but *every other person in the State* ought to contribute his proportion of public taxes for the support of government *according to his actual worth in real or personal property* within this State," and that "*duties* or taxes may be properly and justly imposed."

This Article of the Bill of Rights did, I think, *limit* the power of our Legislature to make such a contract. It renders *all* property in the State *liable* to taxation. It does not *compel* the Legislature to tax all property. The Legislature *may* exempt churches, or grave-yards, or railroads, if it pleases, and as long as it pleases. But the *liability* to taxation always exists. As long as the property is *liable*, it is for the Legislature to say *when it will impose the tax.* In other words, the *Constitution* having expressly declared that *all* property *is* liable, the *Legislature* has no right to say that *any* is *not* liable. *Perpetual* exemption by the Legislature would be overriding the Constitution.

But in addition to the force of Art. 3 of our old Bill of Rights, and to Arts. 15 and 41 of our present Declaration, already quoted, the power to *repeal* is expressly declared by Art. 5 of our present Bill, wherein it is proclaimed that "the inhabitants of Maryland are entitled to the benefit * * * * of all Acts of Assembly in force on the first day of June, 1867, except such as may have since expired or may be inconsistent with the provisions of this Constitution, *subject nevertheless to the* revision of, and amendment or REPEAL *by the Legislature of this State.*"

The decisions by our Court of Appeals, affecting this question, as far as I know, and in one of which the city of Baltimore and the Baltimore and Ohio Company were the parties to the suit upon this very question of the right of the city to tax the Company, involved only the question of *existing* laws, that were on all hands conceded to be constitutional. The constitutional question can only arise when the State *repeals* the exempting laws and subjects the Company to taxation.

The right of taxation includes the right of exemption. The State can impose the tax or take it off whenever she

pleases. But the right to tax being a *constitutional and sovereign power*, no Legislature can deprive the State of it. If one Legislature could perpetually exempt one species of property, it could perpetually exempt *all*. Suppose the case of one Legislature *perpetually* exempting *all* property from taxation : what becomes of the government which is supported by this power of taxation ? The mere statement shows its utter absurdity.

One Legislature cannot deprive succeeding Legislatures of their constitutional rights and powers. One Legislature can impose a tax, and a future one exempt ; or one Legislature can exempt, and a future one *impose* the tax. This question was clearly and emphatically decided by our own great chief Justice Taney in an Ohio case, 16th Howard, page 431, where, in delivering the opinion of the Court, he says :

" They (meaning the Legislature) cannot therefore by contract deprive *a future Legislature of the power of imposing any tax* it may deem necessary for the public service, or of exercising any other act of sovereignty confided to the Legislative body, unless the power to make such a contract is conferred upon them by the Constitution of the State." Where did the Constitution confer such a power upon our Legislature ? If it did not *confer* the power, the power *did not exist.* On the contrary, it seems to me the 13th Art. of our old Bill of Rights did prohibit the exercise of such perpetual power by the Legislature.

If, therefore, it is contended that the exemption of the Baltimore and Ohio Rail Road from taxation can be regarded as a *contract*, within the meaning of the Constitution of the United States, which cannot be impaired, the answer is plain. No Legislature has the constitutional right to make such a contract of *perpetual* exemption, and therefore it is void, and in reality *no contract.*

But suppose I am in error as to the constitutional question, and that one Legislature can make a contract perpetually exempting property which another Legislature cannot repeal. Then, certainly, the rules which apply to all other contracts apply to that. Certainly one party to a contract cannot be required to do his part when the other party refuses to perform his. If, then, the Baltimore and Ohio Company does refuse to pay the one-fifth of the passenger receipts to the State it cannot claim immunity from taxation.

I believe it to be a well-settled principle of law, as well as of common honesty, that a charter cannot be accepted in part—that a companycannot receive the benefits conferred and at the same time repudiate the obligations imposed. And if, by any efforts of this corporation now made, it should be relieved of the obligation to pay this bonus to the State upon the ground that the State had no right to impose it, then equal and fair justice would demand that the State should be released from the obligations not to tax its property.

If the consideration fails there is an end of the *contract.* It makes no difference whether this failure of consideration arises from the refusal of the Company, or the unconstitutionality of the consideration. In either case the consideration fails, and the contract is at an end.

If, therefore, it is proposed by this General Assembly to *voluntarily* release this Company from payment in future of the "bonus" to the State, I recommend, as it is a matter of doubt whether under the Constitution of Maryland the Legislature has the right to declare that any property in this State shall be perpetually exempt from taxation, and it is only just and right that all should share the burdens equally, that the laws exempting any property of the Baltimore and Ohio Company from taxation be

repealed and the question tested at once in the Courts. Secondly, That if the Company persists in its refusal to perform its contract and pay to the State the one-fifth of the gross receipts from passenger travel between Baltimore and Washington, and intermediate points, that the Legislature repeal all laws exempting its property from taxation.

In order to test either proposition successfully before the Courts the *repeal* of the exempting clauses is absolutely necessary. I regret extremely to have had to amplify so largely upon this subject, but the interests of the State seemed to me to absolutely demand it.

The Western Maryland Rail Road.

Among the public works of the State, yet in course of construction, none better merits your generous assistance than the Western Maryland Rail Road.

Its importance to the western portion of the State, and to the City of Baltimore, can scarcely be exaggerated. It will, when completed, develop one of the most productive, yet hitherto one of the most inaccessible, parts of the State; will regain a valuable trade which legitimately appertains to the City of Baltimore, but which has been wrested from it by the superior energy of our Pennsylvania neighboirs and will contribute very largely to increase the facilites, for moving our coal and other minerals, especially iron ore, which abounds in great quantities on and near the line of this Road. The grading of the Road to Hagerstown is, to a great extent, finished, and but comparatively little remains to be done to complete the work and lay the rails, and the Chesapeake and Ohio Canal can be reached, at Williamsport, by a short route, with easy grades. The unprecedented high prices of materials and

labor, however, and other unforeseen causes, have brought upon the Company serious embarrassments, and it can look only to the Mayor and City Council of Baltimore for extrication. That city has already become a subscriber to $2,000,000 of the stock of the Company, and has endorsed its bonds to the extent of $500,000 more. If we regard the interests of the city as a creditor merely, therefore, without reference to those more enlarged views of policy which alone have hitherto guided her, the dictates of common prudence would seem to require that she should not suffer this important enterprise to languish for want of such further aid as she can reasonably extend. The Mayor and City Council appreciating the importance of prompt assistance in the unfinished and exposed condition of the road, and desirous of avoiding the necessity of waiting for the session of the General Assembly, in June last passed an ordinance providing that the sum of one million of dollars should be raised by the hypothecation of a sufficient amount of the Baltimore and Ohio Rail Road stock belonging to the city, and invested in bonds to be issued by the Company. The constitutional validity of the ordinance was tested by certain tax payers of the city because it was believed by them to create a debt within the sense of the Constitution, without the previous requisites of an Act of Assembly and vote of the people, and the Court of Appeals, without expressing any views adverse to the sound policy of the measure, have arrived at the conclusion that the ordinance was in that form unconstitutional. The Mayor and City Council, appreciating the renewed importance of immediate action, have again moved in the matter, and an ordinance has been reported in the Councils by which the aid can be given in accordance with the views expressed by the Court, and you will no doubt be asked at an early stage of the session to per-

fect the necessary legislation for its submission to the popular vote. From an extended intercourse with the citizens of Baltimore, I have arrived at the conclusion that they are, with singular unanimity, favorable to any proper measures of assistance for this important work, and it is believed that most of the opponents of the former ordinance objected to the form merely, and will favor that now before the Councils.

In view of the great deterioration which occurs to a railway, lying in an exposed and unfinished condition, I respectfully and urgently suggestthat no time should be lost inaffording the community most interested, the opportunity of giving expression to its wishes under the forms of the Constitution.

The Northern Central Rail Road.

The Northern Central Railroad has promptly complied with its obligations to the State. It and the Philadelphia, Wilmington, and Baltimore Road, are in as good order as any roads in the country. They are adding greatly to the prosperity of Baltimore, to the advancement of the sections through which they pass, and are doubtless profitable investments to their stockholders.

The Baltimore and Potomac Rail Road.

The Baltimore and Potomac Railroad is rapidly progressing. Forty miles of it were graded during the last year; the rest of the grading is already under contract or will be immediately. Much heavy bridging has been constructed; many cross-ties have been purchased and delivered along the line; and I confidently predict the completion of the whole road from Baltimore to the Potomac river in Charles county within two years. The importance of this road to the State, opening, as it does, another

communication between the capital of the country and our great commercial metropolis, and establishing direct railway, and the shortest connection between Baltimore and the south and south-west, cannot be over-estimated.

The Metropolitan Road has been commenced.

The Southern Maryland Rail Road has been surveyed, its Board of Directors organized, and it is said the Road will soon be placed under contract; the Drum Point Road has also been surveyed and favorably reported on; the Maryland Central Road is in active and interested hands, and I look hopefully to the speedy construction of all these, and still other Roads tending to the advancement of our State's prosperity and growth.

A GENERAL ROAD LAW.

There is nothing which would tend more to the advancement of the prosperity of the State of Maryland than a perfect road system which, if possible, should be general to the whole State. Without better highways than we now have the many railroads which are contemplated or in progress of construction cannot fill their measures of good. In none of the older States, and in many of those far more recently settled, it is safe to say, the roads are not in such an unimproved condition. Nothing causes so much surprise to strangers coming among us for business or pleasure; nothing so much deters those who are seeking lands to purchase and settle upon; nothing, therefore, so much reduces the prices of our lands and retards the increase of our population. Many of our county towns are far more inaccessible to travelers after leaving our cars and steamboats than cities of the West of recent settlement. This difficulty exists, not because of the failure upon the part of

our county authorities or supervisors to execute existing law, but because we have no uniform system or good general law. The system is different in different counties, and bad in all. There are too many narrow, tortuous by-ways badly drained, worse graded, dangerously bridged and generally unsafe and uncomfortable. Good roads are the avenues or arteries of commercial and agricultural wealth, and as we live in an age of progress and improvement, if we do not keep pace with other States in all that tends to our own advancement, we will make no progress towards its attainment.

I would impress this matter upon your serious attention, and as the present system, if system we have, is so radically defective as to require an entirely new one, I would urge, that if such cannot possibly be perfected at this session, you will at least refer it to a commission of experienced and interested gentlemen, who shall prepare and submit a plan to the next General Assembly. But few matters of greater importance to the material interests and enhanced assessment of the State can claim your consideration, and the best that can be done should be promptly done by you.

EXPRESS, TELEGRAPH, AND FOREIGN INSURANCE COMPANIES.

Section 58, Article 5, of the Constitution, made it mandatory upon the late General Assembly to "provide by law for State and municipal taxation upon the *revenues* accruing from business done in the State by all foreign corporations." This provision of the Constitution having been neglected by your predecessors, it becomes, I think, your duty, and the policy of the State, to enact such laws as will cause these corporations to contribute to the revenues of the State.

It will readily occur to you, that in the business of all foreign insurance and telegraph companies a very large amount of capital, amounting nearly to the sum total of the business done, is carried immediately out of the State, and which, with the present want of capital, we can illy afford to lose; whilst the amount of taxable property necessary for the prosecution of their business is so very small that their contributions to the State Treasury are utterly insignificant.

In the case of express companies, it can safely be said that their profits are generally so large, that they can well afford to come to the aid of other interests less prosperous, and far more grievously taxed.

I would, therefore, suggest the passage of an act requiring the President, or authorized Agent of all such corporations, to make on oath annually, on the first day of January or July, a statement of the business done within the State, and pay a certain per-centage thereon into the State Treasury.

PENSIONS.

The establishment of "any general pension system within this State," is expressly prohibited by the Constitution, Art. 3, sec. 59.

Yet, in the face of this prohibition, the General Assembly of 1868, passed an Act (chap. 432,) granting annual pensions to the amount of about one hundred thousand dollars, "to certain soldiers and widows of soldiers of the war of 1812."

Whilst any aged survivors or relics of our country's defenders should be remembered, and aided, if in indigent circumstances, it is none the less our duty to comply strictly with the requirements of our organic law, and to see that frauds are not perpetrated upon the Treasury by those purporting to represent these worthy persons.

I would therefore suggest, in lieu of the Act of 1868, the passage of a law remanding these cases to the commissioners of the several counties. They, from a general acquaintance with the people of their respective counties, are better able to judge who are needy and deserving. They will be more likely than the officers of the Treasury to know of deaths, as they occur, among the pensioners, and the opportunities for fraud and favoritism generally could not be so great. I know of my own knowledge of persons who have been omitted from the benefits of the pension Act of 1868, who are far more needy and deserving than many who are embraced in it; and I have also reason to believe that much fraud has been practiced under it, and will continue to be under any State pension system.

If this pension law is not repealed, and a tax imposed upon the revenues of express and telegraph and foreign insurance companies, it will be absolutely necessary to raise the rate of direct taxation to provide for the demands upon the Treasury.

STORAGE AND OUTAGE ON TOBACCO.

The General Assembly of 1867 passed an Act, (ch. 148,) "for the repayment, out of the Storage and Outage on Tobacco, of moneys heretofore demanded and received by the Inspectors in violation of the Acts of 1864 and 1865."

The Inspectors for some reason resisted the operation of this law, until finally a case was carried to the Courts, which affirmed its validity.

Great complaint continuing to be made to me by parties interested, that they could not procure a settlement of their claims, I addressed a communication to the Inspectors, asking to be informed of their reason for neglecting or refusing to comply with the law.

I received a prompt and courteous reply, that their failure had been owing to the indefinite and unauthenticated manner in which these claims had been generally presented, and that they had been collected by their predecessors in office, who had left no means of ascertaining what amounts had been collected illegally.

As the justice of these claims has been recognized by the State, it is due to the parties holding them that proper provisions should be made for determining and paying them.

I therefore recommend that the Act of 1867 be amended so as to direct the Commissioner of Labor and Agriculture to decide these claims upon the affidavit of the parties claiming, and the documentary evidence afforded by the books of their Commercial Agents; and when approved by the Commissioner, that the Inspectors of such warehouses as they may have been illegally collected in, be required to pay them out of moneys received by them.

THE PROPOSED FIFTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

The President of the United States, in his first message to Congress, has, with guarded circumspection, abstained from all allusion to the proposed Fifteenth Amendment to the Constitution of the United States. It becomes the duty of the respective Executives of the several States, where that amendment has not yet been acted on, to call special attention to this grave subject. In no State more than in Maryland is this duty more imperative. The object of the Fifteenth Amendment is to raise the black man to a full political level with the white man. It originated with a party, and was devised as a partizan measure of public policy. Does the negro forget that in the sovereign Constitutional Convention of 1867, in Maryland, those disabilities of his race which the Convention of 1864

had passed over in cold neglect, were removed, and the right of the colored man to testify in the Courts sanctioned by the former Convention? And that the "black code," as it was styled, was repealed by Democratic legislation in this State in 1867, which preceding Legislatures of the other party had failed to do? The present Constitution of Maryland, for which we are indebted to the Democratic party, has forever prohibited slavery in the State, and that, too, in face of the significant fact that the Constitution of 1864, framed and ratified by the negroe's professing friends, had failed to proclaim the same constitutional guarantee to the African race. If the negro seeks his political amelioration through the sole instrumentality of *one* party, he should guard well the approaches to all assailable points militating against his claims, for he may be sure, that by the very conditions of his application *all other* parties will be more jealous in the examination of his civil credentials. Many of those who object to the Fifteenth Amendment are in the habit of opposing it as a usurpation of governmental powers. This is only true in one aspect of the subject,—an aspect nevertheless which ultimately will prove the pivotal point upon which its final determination will be resolved, viz: that no amendment to the Constitution of the United States can be acted on without a full and untrammelled representation of all the States of the Union, in Congress, at the time that such amendment is originally submitted. That this fundamental prerequisite was not fulfilled requires no argument from me to demonstrate, and that the ultimate decision of the whole vital subject will hinge on this fatal defect can admit of no doubt, is as certain (provided the Federal Government confines itself to the sphere of its constitutional operation) as the fact that several States to be affected equally by the proposed amend-

ment are still out of the Union. It is true that such an amendment would be no usurpation of powers on the part of Congress, provided all the States had a voice in the radical innovation. If all the States had been represented in Congress at the time of its submission, the question of the ratification or rejection of the Fifteenth Amendment would depend entirely upon the votes of three-fourths of all the States of the Union upon that amendment. But this is an issue of the future, and while I deem it proper to refer to my settled convictions upon the ultimate decision of the subject upon the highest constitutional grounds, I am content to leave that final arbitrament to the Courts when partizan influences have no longer any terrors for those who wear the ermine. Let me pass, therefore, from these practical observations to a more intrinsic discussion of the merits of the subject.

It is conceded by all modern writers upon political science, that in Republics the right to designate the class of persons in whom the political power of the State is to be vested, and by whom it is to be exercised, is one of its most essential attributes of sovereignty. "The definition of the right of suffrage," says Judge Story, in his Commentaries upon the Constitution of the United States, "is justly regarded as a fundamental article of a Republican Government." "The right of suffrage," said Mr. Madison, in the debate on the Federal Constitution, "is one of the fundamental articles of Republican Government, and ought not to be left to be regulated by the Legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built upon the ruins of popular forms." "It is to the qualification of suffrage," says another distinguished American statesman, "that we must look for the essential character of our government, for the security of all

our rights, and especially for the protection of our property. Admit to the enjoyment of political power those, and, if possible, those only, who have sufficient evidence of common interest with, and attachment to, the community, and we have the best security we can devise for the protection of our property and our rights."

It is true that the sovereignty of every State having this form of government resides in the whole mass of individuals who compose it. But as it is impossible that all these persons can have a separate voice in determining what measures are most conducive to the public welfare, it has been found necessary in the practical administration of government to adopt the representative principle—that is, that certain individuals qualified by their wisdom, their virtue and their patriotism, shall be selected from the whole number of persons composing the State, to represent the rest in some assembly which, by its reduced numbers, may conveniently exercise the powers of government. But even this refinement of a more advanced stage of society and civilization did not fully answer the ends proposed. Experience soon taught that no one assembly of persons, however constituted, could be invested with all the powers of government without endangering the liberties of the people. Hence, the separation of these powers into Legislative, Executive, and Judicial, and the creation of different departments of government in which these separate powers might be vested. While these modifications of republican government were found to be necessary for its practical administration, it is plain to see that the right to determine who are to be the electors of this representative body, thus charged with the functions of government, lies at the foundation of all those powers which constitute State sovereignty. Indeed, practically it is eminently the sovereign power

of the State, for without it no State can exercise even those powers of local government in respect to its own citizens and within its own territorial limits, which, in the formation of the Federal Constitution, all will admit each State in the Union intended to reserve to itself.

In the system of government established after the adoption of the Constitution of the United States, each State has three several classes of political interests: one is the interest each has in common with all the States in relation to foreign nations; this is confided to the Federal Government; another is the interest of the State in relation to the Union and to the several States which compose it; this is confided partly to the Federal and partly to the State Governments; the third is the local interest of the several parts of the State in relation to each other; this is confided exclusively to the State Governments. Of these primary interests, the last is the most important of them all, for it is continually brought home to every man. It is in reference to this very class of interests that the exclusive right to regulate the suffrage within its limits is of most importance to each State. How otherwise can these local interests be adjusted when they are found to conflict? We base our representation in the Legislatures of the several States upon numbers alone. In apportioning representation no regard is paid, nor perhaps ever will again be paid, to the accumulation of property of particular descriptions in particular localities. And yet the power to tax property for the support of the State Governments, and for all other State purposes, is confided to the State Legislatures. Suppose it shall be found necessary, in order to protect a given description of property, located chiefly or exclusively in one district of any State of the Union, from unjust taxation, so to limit the suffrage as to prevent those who inhabit a different section of the same State, and do

not possess the same description of property, from taxing it unduly; how is this to be accomplished without that full control over the right of suffrage which each State now possesses?

The framers of the Constitution of the United States fully understood and justly estimated the value of these principles. In the adoption of the article in that instrument, referring to the electors of the Representatives in the lower House of Congress, they have taken care to leave this power to regulate suffrage precisely where they found it—with the States as separate and sovereign communities. By the first clause of the second section of the first Article of the Constitution, it is provided that "the House of Representatives shall be composed of members chosen every second year by the people of the several States; *and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.*" At the adoption of the Federal Constitution the qualification of electors of the most numerous branch of the State Legislatures was different in the different States composing the Union. In some of them it was made to depend upon a certain length of residence and the payment of taxes; in others, upon mere citizenship and residence; in others again, upon the possession of a freehold in lands, or some estate of particular value, or upon the payment of taxes, or the performance of some public duty, such as serving in the militia or working upon the public highways. *In no two of these State Constitutions* will it be found that the qualifications of voters were settled upon the same uniform basis. Yet, despite this known diversity in State elections, and notwithstanding the very plausible reasons which were urged for establishing some uniform rule of suffrage for all the States, by which this House of Congress would become the represen-

tative of the same class of persons and the same interests everywhere in the Union, we find that the proposal made in the Convention of 1787, to strike out this provision of the Constitution, and to substitute some other which would secure such uniformity of suffrage in all the States, was overwhelmingly defeated—there being but one State in its favor, (the small State of Delaware,) to seven against it.*

It is a significant fact that this initial attempt to abridge the power of the States over suffrage did not proceed from the belief of its advocates that the number of persons to whom the privilege of voting had been given by the State Constitutions, was *too small*, and that it ought to be extended so as to embrace a *larger number;* but, on the contrary, the purpose was to *limit* the right to vote for members of the House of Representatives to those citizens of the State alone who possessed a freehold in lands. This design, if successful, would have had the effect of disfranchising a large number of those authorized to vote under the State Constitutions, and of greatly reducing the number of voters for members of Congress. The proposed Fifteenth Amendment is the reverse of the measure brought forward in the Convention of 1787. It will, if adopted, prevent the States from excluding from the privilege of voting, a class of their population which, if admitted to its exercise, will largely increase the number of electors in all the States, and in some of them would constitute a majority of the whole voting population.

I cannot permit myself to pass from this historical retrospect without citing the memorable words of Mr. Hamilton, a statesman never proverbially zealous in defense of the reserved sovereignty of the States, in his denunciation of any supposed right on the part of the Federal Government to interfere with the question of suf-

*See the Madison Papers, vol. 3, page 1,249, *et seq.*

frage in the particular States. In the 59th number of the Federalist, Mr. Hamilton holds this remarkable language: "Suppose an Article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power *and as a premeditated engine for the destruction of the State Governments?*" Surely such opinions as this upon a theory of the Government afford a truer guide to just conclusions on this momentous subject, than the crude schemes of misguided philanthropists and partizan Legislators.

The grave question to be submitted to you is, whether the State of Maryland will voluntarily surrender her reserved sovereignty by ratifying an amendment to the Federal Constitution whose direct effect is to deprive her of the power of shaping her own internal polity, and which may seriously imperil the rights of persons and property within her limits? You have seen that the Fathers of the Constitution purposely abstained from any interference with the regulation of this essential right of sovereignty, and left it to the unrestricted discretion of the State Governments. It is not pretended that the power to regulate suffrage has ever been abused by the States, at least in the direction of withholding the privilege of voting from persons who ought to exercise it. If there has been any abuse of the power at all, it has been in the opposite direction, by extending the privilege in some of the States to those who are unqualified for the discreet employment of so valuable a franchise. It might be justly asked, upon what principle of republican government, or indeed of rational government of any sort, is this fundamental change in the Constitution of the United States demanded? Unfortunately we are not left to conjecture. The

object of the advocates of the proposed amendment is patent upon its face. It is to prevent the States in which slavery recently existed, from withholding the privilege of suffrage from the freed negroes within their limits, by any provisions in their State Constitutions which would not equally exclude their white citizens from the same privilege. This, it is pretended, is necessary to enable the freedman to protect himself in the enjoyment of his newly acquired civil and social rights. What one of these rights is denied him in Maryland? When was it ever before claimed to be necessary to invest every individual in the State with the right to vote in political elections, in order to protect him in the enjoyment of his civil and social rights? Under the most extended system of suffrage that has ever been adopted by any State, more than one-half of the individuals composing it do not possess the right to vote. We do not hear that in the actual administration of the Government any of these disfranchised classes are denied the enjoyment of any right, under the laws of the State, to which they may be justly entitled. I will not stop to enquire into the expediency of investing with a part, and a most important part, of the political power of the State, a class of persons whose previous condition renders them wholly unfit, at present, for the intelligent exercise of so delicate and valuable a privilege.

The argument on this view of the subject has been exhausted elsewhere. I do not propose to elaborate it here. The folly as well as the monstrous injustice of committing the security of the property, as well as of the personal rights, of the wise and the virtuous of the land, to the government of the ignorant and the vicious, have been fully exposed by the greatest statesmen who have adorned our history and ennobled our common humanity. It

has been demonstrated, that such a course will be to reverse all the axioms of political science as applicable to republican forms of government. Our Fathers taught us that the perpetuity of free institutions depended upon the virtue and intelligence of the constituent body of the State. It is proposed now to invert the pyramid and to place it on its apex.

FEDERAL COMPENSATION FOR EMANCIPATED SLAVES.

That the State of Maryland has a just, and the strongest claim upon the United States for the value of her emancipated slaves, there can be no equitable doubt, and I submit this claim for your action as required, no less by a sense of justice, than from the necessities of a large number of our citizens who, in yielding up this property to the mandate of the State, made in accordance with the invitation of the President and Congress of the United States, subjected themselves to immediate ruin.

No argument by your present Executive, or those who are to succeed him, whatever his or their political sentiments, or whatever the changing phases of national politics, is necessary to substantiate this claim.

We have it in the action of the Constitutional Convention of 1864, and in the able and clear reasoning of their Excellencies, Governors Bradford and Swann, in the annual message of the former and the inaugural address of the latter, to the Legislative Session of 1865.

Says Governor Bradford, whose devotion to the maintenance of the Union, and support of the party then in power in the State and Federal Government, and which accomplished this emancipation, no one will question, in his message January 5th, 1865:

"Before leaving the subject of the very important change introduced by our amended Constitution in our domestic relations, and the most obvious legislation suggested by that change, I feel it to be my duty to call your attention to the propriety of exerting any power or influence the State may possess towards securing such reparation or indemnity as is practicable for any losses which immediate emancipation may have occasioned. Whilst it is true that other States, once possessed of slave property, have at various times ordered its abolishment, and in so doing have provided no compensation on that account, we must bear in mind that Maryland is the first State that has ventured by an immediate process to put an end at once to the institution. In all other States adopting the policy of emancipation, the operation has been gradual, but little, if at all, affecting the generation in existence at the time the act was passed. In this State, not only has the institution of slavery existed for a much longer period than in any other that ever abolished it, becoming ingrained, as it were, in all our social and domestic habits, but when we undertook to eradicate it, we ignored all previous precedents, and uprooted it, stem and branch, without a month's delay. Such a proceeding must necessarily have occasioned in many individual instances great hardship and loss, and such considerations doubtless more than any thing else, caused much of the violent opposition manifested by many, even of our loyal citizens, to the adoption of the Constitution. I advert to these facts not by any means to take exception to the action of the Convention which adopted that instrument in refusing to provide State compensation—there were circumstances which I think justified that proceeding—but right or wrong, the discussion of the subject is now useless, as all State compensation is positively prohibited; it is none the less proper, however, to direct your attention to any other assistance to which the State herself can equitably or morally make claim. It is undoubtedly true, that the public sentiment here for the last two or three years has strongly and very justly tended to the policy of emancipation; but I feel assured that it is not less true, that nothing but the existence of the rebellion, and the intense desire of the loyal masses of our people to serve what they considered the chief bond of sympathy between that rebellion and any part of our population ever induced them to adopt that policy in the immediate and unqualified manner that they did. But I advert to this consideration not as of itself furnishing the foundation of any claim by the State upon the National Government for indemnity, but only in connection with the fact that the Government itself has expressly held forth the promise of such an indemnity to any slave State that would but initiate a system of emancipation.

"On the 6th of March, 1862, the President of the United States sent a special message upon this subject to Congress, the argument of which was that the rebellion was chiefly sustained by its hopes of co-operation on the part of the Border Slave States, and that to deprive it of that hope by converting those States from slave to free States would substantially put an end to it. To encourage such change of system by these States, the President incorporated in that message a resolution, the adoption of which he strongly recommended, which very soon afterwards passed both Houses of Congress in the very terms he proposed and which declared, 'that the United States ought to co-operate with any State which may adopt gradual abolishment of Slavery, giving to such State pecuniary aid, to be used by such State, in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.'

"That the object of this resolution, thus sanctioned by the Executive and Legislative authorities of the Government, was to encourage emancipation on the part of the Border States by assuring them that they should, in such case, receive pecuniary aid from the Government, to be disbursed as the State itself might think proper in compensating for the public or private losses occasioned by the change of system, no one will deny. If there be any meaning in the language quoted, it expressed a promise to that effect, and if any State can conscientiously claim a fulfillment of that promise, Maryland assuredly can, when, though influenced quite as much by the reasoning of the President as the resolution he recommended, she not merely inaugurated, but regardless of all personal sacrifices thoroughly consummated, her emancipation policy."

And Governor Swann, elected by the same party, and equally zealous in his support of the Government in its attempts to crush the "rebellion" at any sacrifice of blood and treasure, makes equally as cogent and convincing an argument in support of the State's claim for compensation:

I quote from his Inaugural Address to the same Legislature:

"The subject of National compensation to the slaveholder, suggested by the resolution of the President, 'that the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion to compensate for the inconveniences, public and private, produced by

such change,' is not the least important of the objects which will claim your attention. While I should not feel authorized to assume that the productive capital of the State of Maryland has been permanently diminished by the acceptance of the invitation thus held out to the Border Slaveholding States in the prompt abolishment of slavery, it cannot be denied that the measure has been attended with a degree of individual suffering which makes the strongest appeal to the liberality of Congress. The expediency of National aid in promoting emancipation, occupied the attention of some of the ablest men in Virginia, long before this rebellion broke out, and it was deemed no more than just that the Free States should share with them, in the event of the adoption of a policy of emancipation, the burthens necessarily attending in the commencement of a radical change in their system of labor. Property in slaves has been widely distributed among nearly all classes of our citizens, and where the landholder may represent his loss, consequent upon the effect of emancipation, by the appreciated value of his lands, there are others not so fortunately situated, who will suffer the total extinguishment of their capital. The prompt action of the State of Maryland in taking the lead in this great movement, regardless of consequences to her own citizens, in her desire to serve the Government at an important and trying crisis, gives her a claim under the resolution of the President, which would seem to be both just and equitable, and, at the same time, altogether conclusive. Apart from the pledge contained in the resolution—resting upon the good faith of Congress—it may be stated that the free States, during the progress of this rebellion, have not only been removed, in a large degree, from its immediate ravages, but have substantially profited by the increased activity of their manufacturing industry, and the heavy disbursements of the public money within their limits. They can well afford to co-operate in any reasonable measure of appropriation in consideration of the great benefits likely to result, in a National point of view, from the extinguishment of slavery—which may be required in averting the 'inconveniences, public and private,' which may fall to the lot of the Border Slaveholding States.

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"The offer of indemnity having been made by Congress before any action on her part, she may well claim, as an act of good faith to her citizens, that the terms of the resolution introduced by the President and concurred in by Congress, should be complied with at some convenient season. The capital represented by the slave population of Maryland before the war broke out, amounted to more than thirty-five millions of dollars at the then existing and recognized standard of valua-

tion. In any view which may be entertained of its active productiveness, it may be inferred how many and large interests must have become involved with it, and how serious the temporary inconvenience occasioned by thewithdrawal at once of so large a working capital. In reply to the argument that the offer of Congress was formerly rejected by the representatives of the Border Slaveholding States, it may be claimed that the first and only authorized response of the people of Maryland to the offer of Congress was the abolishment of slavery, in accordance with the terms of the resolution. It may be that the pressure upon the National finances, caused by the heavy demands of the war, may delay somewhat the liquidation of claims growing out of the unavoidable destruction of property both public and private, but I entertain the hope that the amplest justice will be accorded to the citizens of Maryland at some not distant day."

It may be that the present condition of national finances will not justify the payment, or the present temper of the Congress of the United States will not now sanction the acknowledgment of this just claim, but it is none the less your duty and mine to continue to assert it, to the end that ultimate justice may be done the people of the State who have so largely suffered from this cause.

I cannot hope for any immediate relief, but I do entertain the hope that in time the amplest justice will be accorded us, and therefore I suggest at present, merely the passage of resolutions respectfully, but firmly, demanding compensation at the earliest date that the exigencies of the National Treasury will allow.

WORLD'S EXPOSITION IN WASHINGTON.

The success of efforts looking to a grand Industrial Exhibition of the great nations of the world in the adjacent city of Washington, in 1871, would seem to be assured.

In this, Maryland has a deep interest. Visitors to it, not only from remote sections of our own country, but from foreign nations, would have opportunities afforded them of becoming acquainted with the healthfulness of our climate

the fertility of our soil, our vast mineral resources, water powers and facilities, varied agricultural productions, and the characteristics of our citizens, which they could never have otherwise. To Baltimore it would be especially valuable, as the want of sufficient hotel accommodations in Washington for the vast crowd it would attract, would necessarily compel them to resort to Baltimore, and thus the superior advantages and attractions of that city be made manifest. I would suggest co-operative action upon your part.

WAR CLAIMS AGAINST THE UNITED STATES.

I am of opinion that the State has certain claims against the United States for expenditures during the war, which are not only just, but aggregate a large amount. I am not, however, able at present to give you any information of a satisfactory character concerning them, as I can find nothing to guide me in my investigation in the Adjutant General's or the Treasurer's offices; nor have I had time since I entered upon the investigation, to examine carefully all the Articles of Congress bearing upon the matter.

A report that came to my ears of some of the States having received reimbursement from the Federal Treasury for advances or expenditures made during the war, caused me to inquire into Maryland's claim, and a payment of $7,161.32, on July 25th, 1868, credited on the books of the Treasury as in "settlement of the first installment of the war debt of the State of Maryland," substantiates the claim.

Not being able to elicit information from our own State officers, or the books of their offices, to proceed on, I had recourse to the Departments at Washington, and addressed communications to the Secretary of the Treasury and others, without, however, obtaining what I desired.

Still, I have faith in the existence of such a claim, and believe that it will be cheerfully adjusted by the General Government when properly set forth. The promptitude with which the artillery to which the State was entitled, and which had been withheld during the last Administration, notwithstanding the earnest efforts of Gov. Swann to secure these guns for the State, was delivered last summer upon my requisition, induces me to believe that it will.

Failing in other efforts to obtain such information as would enable me to properly present this claim, I had recourse to Postmaster General Creswell, who was for a short time Assistant Adjutant General of Maryland during the war. I received an immediate and courteous reply that he had not had charge of the office here, but having been only assigned to special duty in Baltimore, had no positive information which could be of present service to me, but that he would cheerfully aid in my investigations, and inviting me to Washington, where, with his promised co-operation, I hope to effect a settlement.

Still, as a proper investigation into the war claims of our State will involve a great deal of labor, not only in making up the case for Maryland, but also in examining the precedents as established by the course of the United States to other States, and as the investigation may require a legal knowledge which I do not possess, I suggest whether it would not be well for the General Assembly to empower me to appoint a special commissioner at a specified per-centage, upon what claim we may be able to establish and recover? I will aid him to the full extent of my ability, and as the compensation would be confined to the commissioner, the per-centage need not be large. It might be pro-rated upon the amount recovered, or left to be fixed by the succeeding Legislature after the claim shall have been established and paid.

ANTIETAM CEMETETY AND THE CONFEDERATE DEAD.

During the past winter, and very shortly after I had entered upon the Executive duties, I received communications from Messrs. J. H. B. Latrobe and Thomas A. Boulte, calling my attention to a report which they had made to Governor Swann in December previous, as Trustees of Antietam Cemetery, of the proceedings of that body refusing to comply with the terms requiring the Cofederate dead to be interred in the cemetery, which the State of Maryland had stipulated in the charter.

Governor Swann's illness having prevented his taking any action in the premises, it became my duty to do so immediately, more especially as Mr. Boulte, who resided near the battle field, and who has taken a deep christian and patriotic interest in preserving the remains of the brave soldiers of both armies alike, reported that those of the Confederate dead had, in many instances, never been interred, and, in most others, having received but hasty and temporary sepulture, were again bleaching upon the fields of their gallantry, disturbed by the plow-share, or the beasts of the field, and built in by the birds of the air.

This statement was sufficient to decide me that something immediate should be done for the interment and, as far as possible, recognition of these remains. There being no appropriation for the expenses involved, and no other fund that I could draw upon for the purpose, I concluded to pay them out of the Contingent Fund of the Executive, satisfied that it would meet the hearty approbation of the General Assembly, and determined to so economise it in other respects as not to allow it to fall short of the purposes for which it was designed.

I entrusted the whole matter to Mr. Boulte, who cheerfully undertook it in a commendable spirit of humanity,

and without any personal compensation. He shortly reported that the remains of largely over three thousand of the Confederate dead had been gathered together, about one-fourth of whom had been fully identified, and all decently interred. His agents visited the battle fields of Antietam, Monocacy, and South Mountain; every grave and trench thereon received their proper care, and many more, covering the bones of those yet unburied, were added to them.

We also caused to be published in pamphlet form a descriptive list of these dead, the localities in which they were buried, &c., which we had largely distributed in the Southern States, and for which we have received the grateful expressions of many who have been able to recover all that was left of their loved ones. The expense of the whole was seven hundred and ninety-four dollars, which I promptly paid out of the Contingent Fund.

There can be no question as to the right of sepulture for the Confederate dead in Antietam Cemetery, under its charter. It provides specially that they shall be therein interred, but in a separate place from the Federal dead. The propriety of this separation, after death, of those whose living representatives all lovers of their country would gladly see re-united in the furtherance of that country's peace and prosperity, is, to say the least, questionable.

Nor will it avail anything to try to enforce the provisions of the charter, that the Confederate dead shall be interred in Antietam Cemetery, as I am satisfied, from the reports to me of the Maryland Trustees, that a majority of those from other States will never consent.

It may be that Congress would be willing to reimburse the State of Maryland for the money she has expended in the Cemetery in consideration of this provision of the charter not being complied with, and the State releasing

her right to representation in the Board of Trustees. But as the dead of Maryland are buried there on our soil, along with those of other States, I would not favor this reimbursement on such terms, unless it was made general to all the States, as has been proposed it should be by Vermont, and perhaps other States, probably with a view to transfer the expense from the States to the General Government. Then Maryland *should* be repaid the appropriation she made, with a condition attached which has not been complied with or conformed to.

But if we cannot enforce the burial of these gallant dead in this cemetery, we can prepare another and a fitting mausoleum for them, and we should lose no time in doing so, lest again their remains be subjected to exposure and disturbance. An appropriation of five thousand dollars made by the General Assembly of 1867, for the removal of the Confederate dead to Antietam, has not been touched. This could be devoted to the purchase and adornment of grounds as the receptacle for these dead, and not a Southern State whose sons now rest in our soil, but what would be quick to respond with appropriations for the same purpose, and discover in our action but another evidence of our love for our whole country, and our deep sympathy for the suffering part of it.

But we have another incentive to the erection of such a cemetery. The dead of Gettysburg should not be forgotten. They are the bones of *our* dead which so largely whiten the hills of another State. They died Confederate soldiers, but they lived Maryland citizens. They have received no attention from the State, or elsewhere. As many differed with them in the reasoning which sent them to the Confederate cause, yet all true Marylanders exult at the tribute of praise which their unsurpassed gallantry exacted from their comrades in arms; and no true

Marylander will cavil at the slight expense which the gathering of their remains to their last resting place, in their own State, will entail.

STATE HOUSE AND GROUNDS.

Your attention is earnestly directed to the necessity of an adequate appropriation for the repair and presevation of the State House.

The hall and interior of the dome require renovation by painting, and the repair of the pillars and other portions of the plaister and wood-work. The water-pipes are unsound and have already occasioned some defacement by leakage, which, if unattended to, will cause more serious damage; and the pavement should be continued around the rear of the building, both for the preservation of the walls and for the sake of convenience and appearance.

The painting of the exterior of the dome, and the erection of a fountain, and improvement of the ground, have already contributed much to the preservation of the building and appearance of the enclosure, and an appropriation for the purposes above indicated, and such other as may be apparent to a committee of your Honorable Body to report upon this subject, is eminently required to preserve from decay the time-honored structure which is not merely an object of interest to strangers, but is indissolubly connected with so much of historic interest and well-founded State pride to the people of Maryland.

NEW GOVERNMENT HOUSE.

The new Executive Mansion has at length been completed. If it has been long in building, it has been exceedingly well built. No house could have been more faithfully constructed; and to the architect, Col. Andrews, the builders, Markland & Brother, and particularly to the

faithful and efficient superintendent, Mr. Campbell, should proper praise be awarded.

The building committee, Ex-Gov. Swann, Hons. J. C. Walsh, F. C. Latrobe, John S. Brown, and Thomas W. Hammond, deserve the thanks of the General Assembly for their services freely given without pecuniary compensation.

An appropriation will be necessary for the proper furnishing of the house. It was the desire of the committee to provide furniture so that the house could be occupied as soon as completed, and several of the largest furniture dealers in Baltimore offered to supply it and await the legislative appropriation. But I preferred that no expenditure should be made without the sanction of the General Assembly, although the delay subjected me to inconvenience and discomfort. The proceeds of the sale of the furniture of the old Government House have been expended by the committee in furnishing a few rooms which, however, are not sufficient for the accommodation of my immediate family; and as no supply of china, glass, and kitchen utensils has yet been provided, I can only use the house as lodgings, which a due regard for its protection has prompted me to do.

The building committee will make their report to the General Assembly, from which it will be seen, that in consequence of the high cost of labor and material, the building has cost more than was originally designed. This is, in some measure, owing also to the superior character of the work, and you will doubtless promptly provide for the deficiency.

APPROPRIATIONS.

In considering applications for appropriations, or in deliberating upon those which you may think expedient, I would earnestly impress upon you great caution in entailing

additional burthens upon the people. Moderate and judicious appropriations may be made without involving onerous taxation, and our educational and reformatory institutions have certainly claims upon your wise munificence which may not be properly disregarded. But it has become too much the habit of all public institutions, possessing much or little merit, to look to the public Treasury for support.

The increments of the public Treasury accrue largely from private tributes, and unfortunately Legislative Assemblies are too frequently prodigal with the public funds, without considering the distress and inconvenience which these tributes entail upon the tax payer, and how little direct or personal interest, or benefit, result to him from these appropriations. Oppressed as the people are with National, State, and county taxation, it should be your effort to take from, rather than add to, their burthens.

CONCLUSION.

For the second time, in Maryland, we have the heretofore unprecedented fact in this, or any other State, that the representation in both branches of the General Assembly is confined exclusively to one political party. This entails a weighty responsibility upon Representatives so trusted, which their constituents will properly hold them to. As the wisdom and purity of your acts will redound to the credit of the party so largely in the ascendancy, so will your faults of omission and commission enure to its weakness and discredit.

There is no divided responsibility to be shared, and the people of both parties will look to you for a more strict and faithful discharge of your duties, because of the singularly exalted confidence they have manifested. It will not be misplaced or regretted if, with an eye single

to the public weal, economy in the public expenditures, and exemption from personal, partizan, or corrupt legislation, shall characterize your official acts.

Minorities have rights which should be respected, is not only a principle of the great Democratic party, but one which, in this State at least, they have never deviated from, and which was one of the largely contributing causes to the important result of the recent election. Fortunately, there are now no *political* causes or incentives to violate it. You will legislate for your political opponents as for your political friends, and the good feeling which so generally prevails among our people will not be disturbed, but, let us hope, even strengthened and increased.

The lessons taught by the late election in Maryland are, that each State shall regulate suffrage within its own limits; that the war having long since ended, the seceding States should have long since been restored to their proper places within the Union, for which the war was professedly waged, and with all their rights unimpaired; that every effort should be made to keep down State expenses; that all our obligations should be honestly complied with, and *especially* that as all public improvements and enterprises tend to the public prosperity, *all such should be fostered and encouraged*, to the extent that the public interests require, and we are permitted by the Constitution.

Recognizing these lessons, and guided by the maxim of Jefferson, that "whatever is morally wrong cannot be politically right," you will have discharged the high duties you were relied upon to perform, and the party now so strongly in the ascendancy, which has in the past accomplished so much for our proud and dear old State, will long continue to wield her power and control her destinies.

ODEN BOWIE.